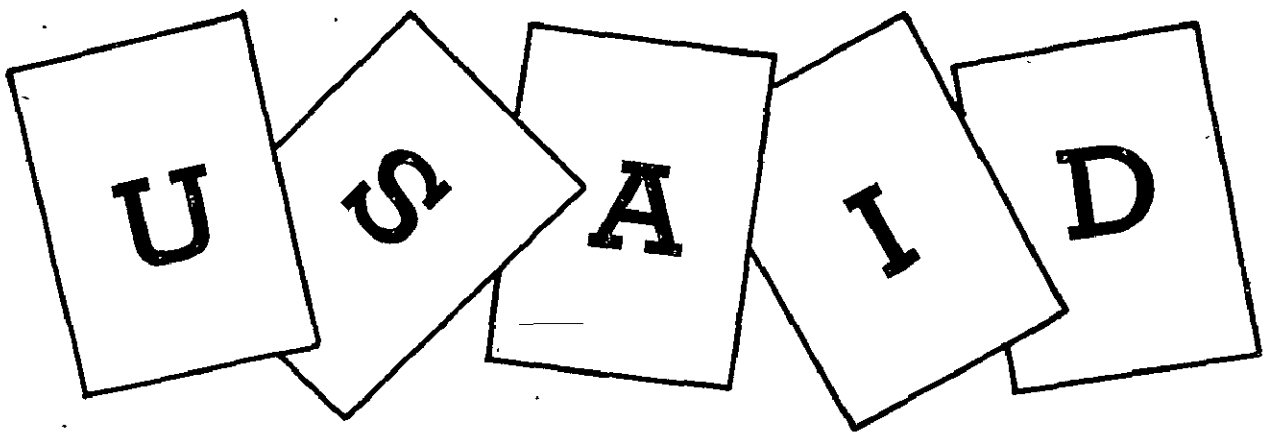


# Public Administration Bulletin Vietnam



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The Chairman, National Leadership Committee

Promulgates the Law fixing the mode of election of the President and Vice-President of the Republic, the full text of which is as follows:

CHAPTER ONE:

ELECTION DAY

Article 1: Based on the Constitution promulgated on April 1, 1967, this law sets forth the procedures governing the first elections for President and Vice-President.

Article 2: The election for the President and Vice-President of the Republic of Vietnam, first term, will take place on Sunday, September 3, 1967.

Article 3: If in any locality elections cannot be held for reasons beyond their control, mayors and province chiefs of that locality, with the concurrence of the local election campaign committee, are authorized to postpone the elections until the next most favorable day after informing the Special Commissariat for Administration.

CHAPTER TWO:

ELECTORS

Article 4: Electors for the President and Vice-President are those persons of Vietnamese nationality who, irrespective of sex, were 18 years of age as of December 31, 1966, and who are inscribed on the electors' list and holders of regular electors' cards, except those deprived of the rights of citizenship.

Each citizen will be inscribed on only one electors' list.

Article 5: In Saigon capital, the list of electors of every Quarter will be established and posted by the District Chief for the first time on July 10, 1967, at the District Office, the Chief of Quarter's office, and at any place considered necessary by the Mayor of Saigon.

In provinces the list of electors of each village will be set by the Village Administrative Committee and will be posted on the above-mentioned day at the village and hamlet office.

In municipalities the list of electors of every quarter or village will be set by the chief of the municipality and posted on the above-mentioned day at the quarter, sector, village or hamlet office.

For military men and their families residing in military camps, the list of electors will be set by commanders at battalion level and transmitted to Mayors and District Chiefs for countersignature before posting.

Moreover, a copy of the electors' list in the village, sector and quarter will be posted at the administrative office of the capital, provinces, municipalities and districts.

Electors who have changed their residence and wish to vote in their new area of residence should make declaration to local authorities (village, sector, quarter and district) according to the procedures applied in the declaration of family lists, not later than June 30, 1967.

Article 6: Civil servants and military men on missions, transfers, or unable to return to places of residence where their names are registered on the electors' list, may cast their votes at their actual location on election day without having to previously register their names on the electoral list.

Besides their voting cards, civil servants and military men must show in addition a certificate related to the special area described above and delivered by duly responsible higher authorities. In such cases, the chairman of the committee in charge of the polling booth must prepare an additional list for transmittal to the Central Election Council.

Article 7: Citizens who fulfill all the conditions for voting but whose names do not appear on the list of voters or appear incorrectly, have the right to complain.

The complaints must be lodged at the quarter, village or sector by July 25, 1967, at the latest. The agencies which receive the complaints will deliver a receipt to the interested persons and send the complaints, together with their opinion to the capital, province or town office.

Following the end of the period for lodging complaints, electors' lists and complaints, if any, will be dispatched by mayors and chiefs of province to the Council stipulated in Article 9 by July 30, 1967, at the latest, for final decision.

The lists of voters must be decided by the Council and sent back to the interested administrative authorities by August 4, 1967, at the latest.

The administrative authorities will post the list of voters for the second time at the places stipulated in Article 5 on August 14, 1967, at the latest.

Article 8: The procedures for making and issuance of voters' cards are decided by the Special Commissariat for Administration.

Article 9: In the Saigon capital, each province and each municipality a local Election Council will be established, with the following composition:

The Chairman is the presiding judge of the Court of First Instance, the presiding judge of the local Justice of the Peace with Extended Powers, or the presiding judge of the local Justice of the Peace, or if there is no Court in this locality, a Magistrate nominated by the Commission General of Justice.

Three representatives of the Municipal or Provincial Council who are not candidates or candidates' representatives will be chosen to serve as members by drawing lots.

Two voters representatives chosen by lot from a list of twenty notables who are not candidates or candidates' representatives will also serve as members. The list of notables will be nominated by municipal or provincial councils.

One representative of the city, town or province administrative office will serve as reporter and will have the right to vote.

### CHAPTER THREE:

#### CANDIDATES

Article 10: Citizens meeting the following conditions will have the right to run for President or Vice-President:

1. Candidates must have Vietnamese citizenship since birth.

2. They must have lived on Vietnamese territory at least ten years immediately before election day. Time spent abroad on official mission or in political exile is considered time spent in Vietnam.

3. Candidates must be 35 years old on election day.

4. Candidates must enjoy all rights of citizenship.

5. Candidates must have complied with military draft regulations.

6. Candidates must not fall within the categories prescribed in Article 11.

Article 11: The following persons will be classified as incapable and will not be allowed to be candidates:

1. Those sentenced for criminal offenses.

2. Those sentenced for light misdemeanor offenses such as theft, swindling, breach of trust, forgery, violation of good morals, bribery, influence peddling and embezzlement.

3. Those sentenced to imprisonment for three months and above for other light offenses, except for those committed by carelessness and negligence. However, those guilty of fleeing the scene of a traffic accident will not be allowed to run.

4. Those who have been deprived of civic rights or the right to run by Court sentences according to laws and rules now in force.

5. Those under legal guardianship or struck by mental diseases.

6. Persons who have gone bankrupt and are not yet rehabilitated.

7. Persons who have not complied with orders to serve in the Armed Forces.

8. Civil servants, military men, government officials in all branches and of all levels, who have been suspended, dismissed, removed or resigned for disciplinary reasons.

9. Those who have directly or indirectly worked for communism, or pro-communist neutralism or worked in the interests of communism.

The provisions of paragraphs 1, 2, 3, 4 and 8 cited above will not apply to those who have had their status restored according to provisions stipulated in Decree-Law No. 4/63 of December 24, 1963, or who have been granted amnesty by Decree-Law No. 083-SL/CT of January 29, 1964, and subsequent texts.

Those who have been sentenced for criminal or light offenses of political character or for political reasons before April 1, 1967, may appeal by June 22, 1967, for a Council's decision that the sentence passed upon them is one which would not prevent them from running. This Council will be presided by the President of the Supreme Court of Appeal, assisted by two Assistant Judges of the same Court serving as members and will have to issue a decision within one week following the date of appeal.

Article 12: Applications for candidacy must be filed as a twin-list including the name of the Presidential candidate and the name of the Vice-Presidential candidate. Applications must be filed in duplicate with each candidate's full name, aliases if any, date and birthplace, occupation, present residence, and a certified, clear signature of each candidate.

Each list must clearly indicate which person is a candidate for President and which is the candidate for Vice-President.

Candidates can have their names on only one list.

Candidates must establish a Saigon address as an official place of liaison with agencies responsible for organizing the election.

Article 13: Candidates' applications will be submitted to the Office of the National Assembly at the latest on midnight June 30, 1967, and must be accompanied by the following documents:

1. A birth certificate or an affidavit replacing it.
2. A #2 judicial record not older than three months.

3. An affidavit that the candidate has had continuous residence on Vietnamese territory for at least ten years immediately prior to election day.

4. A certificate that the candidate has complied with military draft regulations.

5. In the case of military personnel and civil servants, a document indicating permission to go on leave without pay provided by Article 17.

6. Receipt of deposit for electoral campaign expenses prescribed in Article 21.

7. A list of representatives to be assigned to the Central Electoral Campaign Committee prescribed in Article 18.

8. Symbols of the list and five 4 x 4 photographs of each candidate.

When it receives an application, the Office of the National Assembly must immediately issue a receipt to the persons filing it. Lists of candidates will be arranged according to the sequence in which the file/following hour, day and month.

is received

Article 14: The National Assembly has the following responsibilities:

1. To receive applications and documents of candidates.
2. To examine candidates' documents including those mentioned in Article 13.

Within 24 hours after the time limit for applications for candidacy, the Office of the National Assembly will post for the first time lists of candidates who have submitted the documents required by Article 13. At the same time, the Office of the Assembly will transmit the lists to the Special Commissariat for Administration for posting at Saigon City Hall. Lists must be posted at the headquarters of other municipalities, provinces, districts and villages on July 3, 1967, at the latest.

Article 15: Electors and candidates may file complaints to the Office of the National Assembly on candidates' qualifications no later than July 6, 1967.

The Office of the National Assembly must transmit the complaints together with supporting documents to the Central Election Council referred to in Article 16 on July 7, 1967.



The Central Election Council must examine the complaints and report to the Office of the National Assembly no later than July 15, 1967. Before the National Assembly meets in plenary session to take a final vote on the question of posting lists for the second time, candidates on lists against which complaints have been filed may be invited to present their cases before the Special Committee of the National Assembly.

List of candidates will be posted a second time according to procedures set in Article 14 on July 19, 1967, at the latest.

From the date of second posting, candidates may not withdraw their candidacy.

A record of this second posting must be kept.

Article 16: A Central Election Council, the composition of which is given below, has the mission of reporting to the National Assembly on complaints about candidates' qualifications and complaints about election returns.

The Presiding Judge of the Supreme Court of Appeal is Chairman of the Council. The Chairman of the State Council; or Administrative Judge, his representative, and the Dean of the Lawyers Corps, or his representative, will serve as Council members. A National Assembly Deputy will serve as a Council member representative of the voters. The Special Commissioner for Administration or his representative will serve as the Council's reporter and will have the right to vote.

Article 17: Civil servants and military personnel wishing to be candidates must request leave without pay from the day of time limit for application of candidacy through election day.

This article does not apply to persons holding popularly elected positions.

#### CHAPTER FOUR:

##### ELECTION CAMPAIGN

Article 18: A Central Election Campaign Committee will be established for the whole country, composed of one principal and one alternate representative for each list of candidates.

A local Election Campaign Committee of similar composition will be established in each municipality and province.

Representatives on local campaign committees will be nominated by Central Campaign Committee members.

The names and addresses of local campaign committee members must be transmitted to local authorities by the Central Campaign Committee by July 18, 1967, at the latest.

Lists may change representatives throughout the campaign period.

Article 19: The Central Election Campaign Committee will be convened by the Special Commissariat for Administration no later than July 21, 1967.

The Chairman of the Central Election Campaign Committee will be elected by candidates' representatives.

Chairman of campaign committees directs debate of committees. In the event of a disagreement between candidates' representatives resulting in a tie vote, the Chairman has the right to cast the deciding vote.

Article 20: All candidates will receive equal facilities in the electoral campaign.

Election campaign committees will be charged with the following tasks:

1. To fix the number, the size and the color of posters and leaflets. Each list will have the maximum of two kinds of posters not larger than 65cm by 100cm and two kinds of leaflets not larger than 20cm by 25cm.

2. To print, transport and distribute the leaflets and posters cited above.

3. To fix the date and places for putting up posters and distributing leaflets. Leaflets may be distributed to homes of voters.

4. To organize talks between electors and candidates or their representatives.

5. To determine procedures governing press activities and press conferences on behalf of candidates or their representatives. No press articles related to the election can be censored, except within the limitations prescribed by Article 12 of the Constitution.

6. To fix modes of use of mobile broadcasting units, radio and television stations in those places where these means of propaganda exist. Equal time must be reserved for all lists of candidates for use of these facilities.

Schedules of campaign activities must be reported by electoral campaign committees to the local administrative authorities.

Nobody is allowed to make use of campaign means outside the number and modes fixed by this article.

The Vietnamese language will be used in all campaign activities.

Article 21: Expenses related to the organization of the elections, including the cost of candidates' observers, will be borne by the national budget.

Concerning campaign expenditures, the national budget will cover a maximum expense of two piasters per elector for each list. If there are more than six lists, the total amount of expenditures still may not exceed 12 piasters for each elector for the whole nation. If the Central Election Campaign Committee unanimously deems a larger amount necessary, the national budget will still only provide the above mentioned maximum sum, and the candidates must cover the extra expenditures by their own means.

Each list must deposit in the Treasury a sum of 200,000 piasters. In the event that the candidates withdraw their candidacy after the second posting of lists, or if they fail to receive ten percent of the total number of valid votes cast in the country, the candidates concerned in each list must jointly reimburse the national budget the sum of money expended on their behalf by the electoral campaign committee for printing leaflets and posters.

Article 22: By July 21, 1967, at the latest, candidates' symbols and photographs must be submitted to the Central Campaign Committee for approval and transmittal to the Special Commissariat for Administration.

Any list wishing to alter its symbol or photographs must submit changes to the Central Campaign Committee by the above-mentioned date.

Texts of posters and leaflets must be submitted to the Central Campaign Committee within the time limit set by the Committee.

Candidates are free to choose their own symbols, but queer, international and common religious symbols are forbidden. Symbols of political groups can be used except in cases where they are contested by the central executive committee of the group concerned.

Lists may not choose symbols which are similar to each other. Symbols must be approved by the Central Campaign Committee.

Article 23: The electoral campaign will begin August 3, 1967, at the earliest and will end at 12 noon on September 2, 1967.

Any candidate or representative noting a violation of the provisions of Article 20 or of this Article has the right to request the Campaign Committee to inform local authorities so as to immediately put an end to the violation.

#### CHAPTER FIVE

#### VOTING PROCEDURES (CAST AND CONTROL)

Article 24: The President and Vice-President will be elected together on the same list in a single election, by universal suffrage, direct and secret ballot.

The candidates on the list which receives the greatest number of votes will be declared elected.

If several lists receive an equal number of votes, the list with the oldest presidential candidate will be declared elected.

Article 25: The printing of ballots for all candidates will be undertaken by the Special Commissariat for Administration according to the attached model.

On each ballot there will be printed the full name, symbol and photograph of the presidential and vice-presidential candidate.

All ballots of all candidates will be printed in the same model on white paper and packed in equal numbers. Each package should have marked on it the number of ballots and contain 100 ballots.

Article 26: The location of polling stations will be decided by mayors and province chiefs and declared publicly by September 1, 1967, at the latest.

A committee composed of a chairman, a deputy chairman and an even number of members, at least two, will be in charge of each polling station. The Chairman and deputy chairman will be appointed by the mayors and province chiefs and will be chosen from among those people known for their seriousness and knowledge of electoral laws. The members are chosen by the chairman from the voters present at the polling station when the voting begins.

Each list has the right to designate an observer in the polling station. The latter must have a certificate issued by the candidates, or by the official representative of the list, and duly certified by authorities. Observers have the right to vote at the polling station which they are observing in accordance with procedures prescribed in Article 6.

The committee chairman is entrusted with the task of supervising the voting so that it will proceed in conformity with electoral law. He is responsible for keeping order at the polling station.

The chairman is obliged to make a report immediately in the event of fraud or if a complaint is made by the candidates' representatives.

The deputy chairman assists the chairman in the above duties and will supervise the distribution of ballots.

The voting begins at 0700 and ends at 1600 the same day.

Article 27: Voters have to cast their ballots personally at the polling stations. They cannot vote by mail or by proxy.

When entering the polling booth, the voter is forbidden to carry weapons. He must show his voting card together with his identify card before receiving an envelope and ballots, one for each list.

The person who distributes the ballots must give voters one for each list of candidates and alternate the sequence in which they are given to the voters.

The voter must go alone into a covered booth previously set up. If he wishes to vote for a certain list, he will choose the ballot of this list and put it in an envelope.

The voter must select a ballot from among those given to him. He cannot add, delete, or change any names, or change their order. He cannot choose names of candidates from different lists.

Unused ballots must be torn apart and dropped in a container (with a cover) placed at the polling booth, by the voter.

Upon leaving the polling booth, the voter will take with him the envelope containing the ballot, hold it high to show there is only one envelope, then drop it in the ballot box by himself.

Physically disabled voters who cannot drop the ballot by themselves may be allowed by the committee chairman to select another voter to help them. The committee chairman has full authority to decide on these cases.

After the voter has cast his ballot, a member of the committee in charge of the polling station will stamp the voter's voting card and cut the card at a corner. The corners cut from voting cards must be preserved for further checking against the number of voters who have voted.

Article 28: The ballot box has a small slot for the passage of the ballot. When the voting begins, the committee chairman opens the ballot box and shows it to the public so the latter can see that it is empty.

Then the ballot box is closed by two different locks whose keys are kept one by the committee chairman and the other by the oldest member of the committee.

If, when the voting is over, a key is missing, the ballot box must be opened by any means and the fact noted down in the report.

Article 29: If there are any signs indicating that there may be serious disturbances or sabotage during the counting of voters, mayors and province chiefs may authorize the committee in charge of the polling station to bring ballot boxes to a more secure place to count the ballots.

In such cases, the following measures must be strictly applied:

a) Voters and candidates' representatives must be informed.

b) Before moving the ballot boxes, the committee chairman must seal all ballot boxes, slots in ballot boxes, and two locks as well as related documents.

c) From the start of the move until the counting of the votes, candidates' representatives and all committee members must be present. This fact will be entered in the report.

Article 30: When voting is over, votes will be counted in the following manner:

The committee in charge of the polling stations will appoint from among the voters present who can read and write a number who will count ballots, under the direct observation of candidates' observes. They will be divided into groups of four persons sitting at separate desks.

The committee chairman opens the ballot boxes and has the envelopes counted. If the number of envelopes exceeds or is less than the number of voters who have voted, it must be noted in the report. The number of voters who have voted is the number of corners cut from the voters' cards.

The committee chairman puts some ballots on each desk for counting. At each desk, the first counter opens the envelope and hands over the ballot to the second counter who reads aloud the names printed on the ballot. The ballot is then handed over to two other vote counters who check it separately and note it on the tally sheet. When counting, the first and second counters are not allowed to hold anything in their hands which might make the ballots irregular.

Article 31: Ballots will be considered invalid in the following cases:

If envelopes contain more than ballot.

If the envelope is different from those distributed to voters.

If envelopes are empty or contain something other than the ballots.

If envelopes or ballots contain additional words or symbols.

If the ballot is not inside the envelopes.

If the ballot shows additional names or the names of candidates have been changed or their order modified, or if the ballot is torn in two parts, or if the names are torn.

The committee chairman and one member of the committee must sign on the irregular envelope or ballot which will then be enclosed with the committee report stating the cause of the irregularity.

If the irregular envelopes and ballots are not enclosed with the report the election will be annulled only in the case that the irregular ballots could modify the results of the election.

Article 32: Immediately after votes have been counted, the committee in charge of the polling station will prepare a report in quadruplicate.

In the provinces, the chairman of the committee will post one copy of the report in his office, keep one copy for himself, and forward to the main polls at the district headquarters two copies together with the ballots and envelopes described in Article 31, if any, for a summing up of the results in the district. The committee chairman of the main polling station will add up the number of votes received by each list and prepare a general report in quadruplicate for all polling stations within the district, and then post the temporary results at the district headquarters.

Immediately after, the above-mentioned report will be sent to the polling station of the province headquarters. The committee chairman of this polling station will add up the total number of votes for each list within the province, write a report, and post the temporary results at the province headquarters.



In Saigon, Hue, Danang, Cam Ranh, Da Lat and Vung Tau, the temporary results from various polling station will be transmitted to the main polling station located at the municipal administrative headquarters.

Article 33: Temporary results of the elections in the provinces and municipalities will be transmitted by the most rapid means available to the Office of the National Assembly which will announce the temporary results as it receives them.

Article 34: Reports prepared by the provinces and municipalities and the enclosed invalid ballots and envelopes must be sent to the Office of the National Assembly no later than September 10, 1967, so that the results may be summed up at a session of the Assembly.

At this session, the Chairman of the Assembly will hand the reports to two Deputies chosen by the Assembly. They will read the reports aloud while two members of the Office of the Assembly keep a tally of the temporary results.

A report summarizing the temporary results will be prepared in quadruplicate, one for the Central Election Council, one for the Special Commissariat for Administration, one for the Office of the Assembly and one for the Directorate of National Archives and Libraries.

## CHAPTER SIX

### VIOLATIONS, PENALTIES and CLAIMS

Article 35: Any voter who purposely casts his ballot several times or any person who has no voting card but is authorized at his own request to vote anyway shall be fined from 1,000 to 20,000 piasters and imprisoned from one month to a year.

Article 36: Any candidate or representative who makes use of campaign means exceeding the amount, modes and time limits prescribed by the Election Campaign Committee shall be fined from 10,000 to 100,000 piasters.

In the event of acquittal or exoneration, the concerned court shall immediately proceed to the examination of damages, if any, to the accused candidate.

Article 37: Any candidate who, directly by himself or indirectly by third person, bribes voters with money or other material things will be fined from 30,000 to 300,000 piasters and sentenced to imprisonment from six months to three years.

Article 38: Any person who threatens or beats other persons, or threatens them with loss of employment, bodily harm or harm to their family and property with a view to preventing them from running for election, going to the polls, voting for a candidate of their choice, or forcing them not to vote for a certain candidate, will be fined from 100,000 to 500,000 piasters and imprisoned from one to five years.

Article 39: Any person who, directly or indirectly, bribes or attempts to bribe electors of a village or members of any other group by promising money, material things or any benefit to that village or group, will be fined from 100,000 to 500,000 piasters and imprisoned from two to five years.

Article 40: The carrying of weapons into polling booths is strictly forbidden except in unusual circumstances where it is necessary to maintain security, discipline and guarantee the electors' right to vote freely. Violation of this provision is subject to a fine ranging from 10,000 to 100,000 piasters and imprisonment from fifteen days to three months.

Article 41: Whoever willfully violates or conspires to violate by any means at any time or place the secrecy or honesty of the voting or disrupts the operation of polling booths shall be fined from 100,000 to 500,000 piasters and imprisoned for six months to three years.

Article 42: Any person whose duty consists of receiving, counting or controlling ballots or examining documents related to the elections who manipulates or alters ballots or announces a name different from that appearing on the ballot with a view to committing fraud, shall be fined from 100,000 to 500,000 piasters and imprisoned from two to five years.

Article 43: Any person who destroys, removes or attempts to destroy or remove ballots, ballot boxes or boxes containing uncounted ballots with a view to affecting the results of the election or causing it to be annulled, shall be imprisoned from two to five years.

Article 44: Any person who threatens or harms personnel in charge of polling booths with a view to preventing them from carrying out their duties, will be fined from 10,000 to 100,000 piasters and imprisoned from two months to two years.

Article 45: In all cases provided by Articles 35 to 44 above the penalties will be doubled if the person accused <sup>is an</sup> employee charged with a government position entitled to compensation.

Article 46: Any person who engages in acts or sabotage designed to disrupt the elections will be imprisoned at hard labor from five to twenty years.

Article 47: Any person who is convicted by a court under the provisions of Articles 41, 42 and 43 above will be deprived of his rights as a citizen from two to five years, at the point of view of misdemeanors.

Article 48: Complaints with respect to violations of this law must be filed at a local Court of the First Instance or a local Justice of the Peace with Extended Powers on September 4, 1967, at the earliest and September 6, 1967, at the latest.

The Court of the First Instance or the Justice of the Peace with Extended Powers must rule on complaints by September 13, 1967, at the latest.

The time limit for filing an appeal is three days counting from the date of the sentence.

The Court of Appeal must render its decision by September 23, 1967, at the latest.

The Supreme Court of Appeal must make its ruling by Sept. 28, 1967, at the latest.

Article 49: All court minutes, records and records of sentence related to this election are exempted from stamp and registration fees.

## CHAPTER SEVEN

### VALIDATION AND ANNOUNCEMENT OF RESULTS

Article 50: The National Assembly controls the legality of the elections and announces the results.

Article 51: Complaints with regard to voting must be filed at the Office of the National Assembly no later than September 9, 1967. Upon receiving a complaint the Office of the National Assembly will issue a receipt.

Article 52: The Office of the National Assembly must transmit the above-mentioned complaints to the Central Election Council on September 11, 1967.

The Central Election Council must examine the above-mentioned complaints and send its report to the Office of the National Assembly no later than September 25, 1967.

The National Assembly shall meet on October 2, 1967, at the latest, to take a final vote on the validity and official results of the election.

Throughout the process of reviewing complaints, lists against whom complaints have been filed have the right to be notified of the documents in question and have the right to plead their case.

Article 53: If there has been any irregularity at one or more polling stations and if the total number of registered voters at these stations exceeds the difference in number of votes received nationwide by the two leading lists, from those polling stations where the voting has been recognized as regular, the Assembly will declare as null and void votes cast at these stations.

Article 54: In the circumstances described in Article 53, the Special Commissariat for Administration will organize within two weeks a new election in the localities concerned using existing rolls of voters and the same lists of candidates.

Article 55: In the above-mentioned case, the National Assembly will control the legality and announce the results of the elections according to the provisions of Article 51 and following articles.

Article 56: The National Assembly shall proclaim the annulment of the entire election if it finds that irregularities confirmed by the Central Election Council or by a definitive ruling of a court could open to question the honesty of the voting and affect the general results of the election.

Article 57: In the circumstances described in Article 56, a law shall decide the date and procedures for another election.

Article 58: Results of the election must be published in the Official journal of the Republic of Viet Nam.

Article 59: Provisions of existing laws which are contrary to this law will be annulled. This law will be published in the official journal of the Republic of Vietnam.

Saigon, 15 June 1967

Signed: Lt. Gen. NGUYEN VAN THIEU

Republic of Vietnam

Law No. 002/67  
of 15 June 1967

## CHAPTER ONE

### ELECTION DAY

Article 1. Based on the Constitution of the Republic of Vietnam promulgated on April 1, 1967, this law sets forth the procedures governing the elections for Senators.

Article 2. (1) The election for Senators will take place on September 3, 1967.

(2) If in any locality elections cannot be held for reasons beyond their control, mayors or province chiefs of that locality are authorized to postpone the elections until the next most favorable day after informing the administrative agency concerned and after having obtained the approval of the local election council referred to in Article 9.

Article 3. The Upper House has sixty members elected by universal suffrage. Election is by list voting and on a basis of plurality.

## CHAPTER TWO

### ELECTORS

Article 4. (1) Electors for Senators are those persons of Vietnamese nationality who, irrespective of sex, were 18 years of age as of December 31, 1966, and who are inscribed on the electors' list and holders of regular electors' cards, except those deprived of the rights of citizenship.

(2) Each citizen will be inscribed on only one electors' list.

Article 5. (1) In Saigon capital, the list of electors of every Quarter will be set and posted by the District Chief for the first time July 10, 1967, at the District Office, the Chief of Quarter's Office, and at any place considered necessary by the Mayor of Saigon.

(2) In provinces the list of electors of each village will be set by the Village Administrative Committee and will be posted on the above-mentioned day at the village and hamlet office.

(3) In municipalities the list of electors of every quarter or village will be set by the Chief of the municipality and posted on the above-mentioned day at the Quarter, Sector, village or hamlet office.

(4) For military men and their families residing in military camps, the list of electors will be set by the commanders and transmitted to Mayors and District Chiefs for counter-signature before posting.

(5) Moreover, a copy of the electors' list in the village, sector and quarter will be posted at the administrative office of the capital, provinces, municipalities and districts.

(6) Electors who have changed their residence and wish to vote in their new area of residence should make declaration to local authorities (village, sector, quarter and district) according to the procedures applied in the declaration of family lists, not later than June 30, 1967.

Article 6. (1) Civil servants and military men on missions, reassignment, or unable to return to places of residence where their names are registered on the electors' list, may cast their votes at their actual location on election day without having to previously register their names on the electoral list.

(2) Besides their voting cards, civil servants and military men must show in addition a certificate related to the special circumstances described above and duly delivered by responsible higher authorities.

(3) In this case, the Chairman of the Committee in charge of the polling station must draw up an additional list which will be transmitted to the local election council referred to in Article 9.

Article 7. (1) Citizens who fulfill all the conditions for voting but whose names do not appear on the list of voters or appear incorrectly, have the right to complain.

(2) The complaints must be lodged at the quarter, village or sector by July 25, 1967, at the latest. The agencies which receive the complaints will deliver a receipt to the interested persons and send through administrative channels the complaints, together with their opinion to the capital, province or town office.

(3) At the end of the period for lodging complaints, electors' lists and complaints, if any, will be dispatched by mayors and province chiefs to the Council stipulated in Article 9 by July 30, 1967, at the latest, for final decision.

(4) The lists of voters must be decided by the Council and sent back to the interested administrative authorities by August 4, 1967, at the latest.

(5) The administrative authorities will post the lists of voters for the second time at the places stipulated in Article 5 by August 14, 1967, at the latest.

Article 8. The procedures for making and issuance of voters' cards will be decided by the administrative agency concerned.

Article 9. (1) In the Saigon capital, each province and each municipality, a local election council will be established, with the following composition:

(2) The chairman is the presiding judge of the Court of 1st Instance, the presiding judge of the local Conciliation Court with Extended Jurisdiction, or the presiding judge of the local Conciliation Court, or if there is no Court in this locality, a Magistrate nominated by the Justice Ministry.

(3) Three representatives of Municipal and Provincial Councils who are not candidates for the Upper House, chosen by lot. In localities where there are no Municipal or Provincial Councils, three Village Councillors or local notables will be chosen by lot to serve as members.

(4) Two voters' representatives chosen by lots from a list of twenty notables nominated by Municipal or Provincial Council and who are not candidates, will serve as members.

(5) One representative of the City, town or province administrative office will serve as reporter and will have the right to vote.



CHAPTER THREE

CANDIDATES

Article 10. Citizens meeting the following conditions will have the right to run for the Upper House:

(1) Candidates must possess Vietnamese nationality by birth, or Vietnamese nationality during at least seven years, or Vietnamese nationality recovered for at least five years on the day the election is held.

(2) Candidates must be 30 years old on election day.

(3) Candidates must enjoy full rights of citizenship.

(4) Candidates must have complied with military draft regulations.

(5) Candidates must have had permanent residence in Viet Nam for at least three consecutive years immediately prior to election day. Time spent abroad on official Mission or in political exile will be considered as time spent in Viet Nam.

(6) Candidates must not fall within the categories prescribed in Article 11.

Article 11. The following persons will not be allowed to be candidates:

(1) Those sentenced for criminal offenses;

(2) Those sentenced for light offenses such as theft, swindling, breach of trust, forgery, violation of good morals, bribery, influence peddling and embezzlement.

(3) Those sentenced to more than three months imprisonment for light offenses, except for those committed by carelessness and negligence. However, those guilty of deserting the scene of a traffic accident will not be allowed to run.

(4) Those who have been deprived of civic rights or the right to run by Court sentences according to laws now in force.

(5) Those under legal guardianship or struck by mental diseases.

(6) Persons who have gone bankrupt and are not yet rehabilitated.

(7) Persons who have not complied with orders to serve in the Armed Forces.

(8) Civil servants, military men, government officials in all branches and at all levels, who have been suspended, dismissed or resigned for disciplinary reasons.

(9) Those who have directly or indirectly worked for communism and pro-communist neutralism or worked in the interests of communism.

The provisions of paragraphs 1, 2, 3, 4 and 8 cited above will not apply to those who have had their status restored according to provisions stipulated in Decree-Law 4/63 of December 24, 1963, or who have been granted amnesty by Decree-Law 083-SL/CT of January 29, 1964, and subsequent texts.

Those who before April 1, 1967, have been sentenced for criminal or light offenses of political character or for political reasons, may appeal by June 22, 1967, at the latest, for a Council's decision that the sentence passed upon them is one which would not prevent them from running. This Council will be presided by the President of the Supreme Court of Appeals, assisted by two Assistant Judges of the same Court serving as members and will have to make a decision within two weeks following the date of appeal.

Article 12. (1) Civil servants and military personnel wishing to be candidates must request leave without pay from the day they have completed their application for candidacy through election day.

(2) This article does not apply to persons holding popularly elected positions.

Article 13. (1) Applications for candidacy must be made in the form of a list including the ten candidates and alternates, if any, must be filed in duplicate, and must include name, aliases, if any, date and place of birth, occupation, present residence and certified signature of each candidate and alternate.

(2) Candidates can have their names on only one list.

(3) Candidates must have an official address in Saigon in order to keep up correspondence with the agency in charge of organizing the election.

Article 14. Applications of candidates will be submitted to the Office of the Special Commissioner for Administration or of the Minister of Interior from June 20, 1967, through June 30, 1967 and must be filed by one of the candidates on the list. In addition, the following documents of each candidate must be submitted:

(1) A birth certificate or a document replacing it.

(2) A #2 police record not older than three months.

(3) A certificate that the candidate has lived in Viet Nam for at least three years.

(4) A certificate that the candidate has complied with military draft regulations.

(5) Symbols of the list and two 4 by 4 photographs of each candidate.

(6) Receipt of Deposit for electoral campaign expenses prescribed in Article 24.

(7) A list of representatives to be assigned to the Central Electoral Campaign Committee prescribed in Article 20.

(8) A certificate attesting to Vietnamese naturalization or recovery of Vietnamese citizenship, if the candidate falls within the category prescribed by paragraph 1 in Article 10.

(9) Written permission to take leave without pay if the candidate is a civil servant or a military man. The office of the administrative agency concerned must immediately issue a receipt to persons making applications for candidacy.

Article 15. (1) The lists of candidates will be arranged according to the sequence in which they file following hour, day, and month.

(2) The above-mentioned lists will be posted for the first time at the office of the Central Election Council and at Saigon City Hall on July 1, 1967. In other municipalities, provinces, districts and villages, lists will be posted by July 3, 1967, at the latest.

Article 16. Electors and candidates may file complaints with regard to candidates' qualifications to the Central Election Council stipulated in Article 18 from July 4, 1967 through July 7, 1967.

Article 17. (1) The Central Election Council referred to in Article 18 is charged with the task of studying the dossiers of candidates to decide whether their names should be registered on the list of candidates. This Council must conduct its review from July 8, 1967 to July 20, 1967.

(2) During the process of reviewing complaints, lists against whom complaints have been filed have the right to be informed of the evidence and to defend their case.

(3) In case one or several candidates on a list are eliminated, the Council will decide whether to add the names of alternates, if there are any, to the list. However, if a candidate is rejected for being within the categories prescribed by paragraph 9 of Article 11, no substitute will be accepted and none of the candidates on the list will be allowed to run in the election.

(4) The Council must invite all candidates to attend a meeting held on July 21, 1967, at the latest to officially inform them of the registration or elimination of their names.

Article 18. In Saigon, a Central Election Council will be established with the following composition:

(1) The Chairman of the Council is the presiding judge of the Supreme Court of Appeal.

(2) The Chairman of the State Council or a designated Administrative Judge will serve as member.

(3) The Dean of the Lawyers Corps or a lawyer representing him will serve as a member.

(4) A National Assembly deputy, chosen by the National Assembly from among those deputies who are not candidates, will serve as a member.

(5) A representative of the Special Commissariat for Administration or of the Ministry of Interior will serve as the Council's reporter and will have the right to vote.

Article 19. (1) Lists of candidates will be posted a second time at the office of the Central Election Council and at Saigon City Hall on July 22, 1967. In other municipalities, provinces, districts, and villages, they must be posted no later than July 26, 1967.

(2) A record must be kept of this second posting.

Article 20. (1) A Central Election Campaign Committee will be established for the whole country composed of a principal representative and a substitute for each list of candidates.

(2) In the Saigon capital, each province, and each municipality a local election campaign committee will be established, and its composition will be the same as above.

(3) The name and address of each representative assigned to the Central Election Campaign Committee must be enclosed with the dossier of the candidates upon filing the application for candidacy.

(4) The representative of each list of candidates assigned to local election campaign committees will be nominated by the candidates' representatives on the Central Election Campaign Committee and their names will be reported to local authorities no later than July 21, 1967. Lists may change representatives throughout the campaign period.

Article 21. (1) The head of the Central Election Campaign Committee and the heads of local election campaign committees will be respectively elected by lists' representatives within each committee.

(2) Heads of the committees only have the right to call meetings and conduct debates within their committee. In case of a tie vote resulting from the difference of opinions between the representatives, the vote of the head of the committee is deciding.

Article 22. (1) The Central Election Campaign Committee will be convened by the administrative agency concerned for the first time on July 22, 1967.

(2) Local election campaign committees will be convened by mayors or province chiefs the first time not later than July 26, 1967.

Article 23. All candidates will receive equal facilities in the electoral campaign.

The tasks of the Central Electoral Campaign Committee include the following:

(1) To fix the number, the size and the color of posters and leaflets. Each list will have the maximum of two kinds of posters not larger than 65 cm by 100 cm and two kinds of leaflets not larger than 21 cm by 32 cm.

(2) To determine procedures governing press activities for all lists.

(3) To decide a schedule of talks between voters and candidates or their representatives.

(4) To fix modes of use of mobile broadcasting units, radio stations, and television in those places where these means of propaganda exist. Equal time must be reserved for all candidates for use of these facilities.

(5) To fix the date for putting up posters, distributing leaflets, and reporting these activities to mayors and province chiefs.

(6) To prescribe the printing, transport and distribution of posters and leaflets.

(7) To fix the places for putting up posters. Leaflets may be distributed to the homes of electors.

Nobody is allowed to make use of campaign means outside the number and modes fixed by this article. All campaign activities will be conducted in the Vietnamese language.

Article 24. (1) Expenses related to the organization of the elections will be borne by the national budget.

(2) Concerning campaign expenditures, including the cost of candidates' observers, the national budget will cover a maximum expense of one piaster per elector for the whole country and for each list of candidates.

(3) If there are more than 18 lists, the National Budget will not expend more than 18 piasters per elector for the total number of lists.

(4) If the Central Election Campaign Committee unanimously deems a larger amount necessary, the national budget will still only provide the above-mentioned maximum sum, and lists must cover the extra expenditures by their own means.

(5) Each list of candidates must deposit in the Treasury a sum of one hundred and eighty thousand piasters (VN\$180,000) to cover campaign costs.

(6) If a list of candidates withdraws after material for the electoral campaign has been printed, or if the list fails to receive more than three percent of the total number of valid votes, the above-mentioned deposit will not be returned.

(7) In addition, the list of candidates concerned must also reimburse the national treasury the difference between the deposit and the cost of its electoral campaign if the cost exceeds one hundred and eighty thousand piasters. In this case, candidates on the list concerned will reimburse the above-mentioned sum, each one paying an equal amount.

(8) An application for candidacy can only be withdrawn when all candidates on the list have signed the withdrawal request.

Article 25. (1) Symbols or photographs of each list must be submitted to the Central Election Campaign Committee no later than one day after the Committee has convened the first time, for immediate transmittal to the concerned administrative agency for printing of posters, leaflets and ballots.

(2) Texts of posters and leaflets must be submitted to the Central Election Campaign Committee within the time limits set by the Committee.

(3) Any list which wishes to change its symbols or photographs must submit the new ones to the Committee within the above-mentioned time limit.

(4) Candidates are free to choose their own symbols but queer, international and religious symbols are forbidden. Symbols of political groups can be used except in cases where they are contested by the Central Executive Committee of the group concerned.

(5) Lists may not choose symbols which are similar to each other. Symbols must be approved by the Central Election Campaign Committee.

Article 26. (1) The election campaign will officially begin August 3, 1967, and last until noon September 2, 1967.

(2) Any candidate noting a violation of the provisions of Article 23 or of this article has the right to request the Campaign Committee to intervene with the authorities to take appropriate measures to immediately put an end to any violation.

## CHAPTER FIVE

### VOTING PROCEDURES AND COUNTING OF BALLOTS

Article 27. (1) Senators will be elected on a list basis in a single election by universal suffrage, direct and secret ballot.

(2) Each list is composed of ten candidates.

(3) The six lists which receive the most votes will be considered elected.

(4) If several lists receive an equal number of votes, the list with the highest aggregate age will be declared elected.

Article 28. (1) The printing of ballots will be undertaken by the responsible administrative agency. They will be printed in black and white and bound in equal packs of 100, with numbers in order stamped on the stub of each ballot (according to the attached model).



(2) At the front end of the ballot there will be printed clearly the slogan, if any, and the symbol of the list to help electors to distinguish one list from another.

(3) The full names of candidates may be printed 1 cm high and 3 cm wide (rectangular form). The photograph of each candidate will be printed within a square of 5 cm side, after the candidate's name and on the right of the ballot. The common symbol of the list will be printed on the right upper square corner 5 x 5 cm.

Article 29. (1) The location of polling stations will be decided by mayors and province chiefs and declared publicly by September 1, 1967, at the latest.

(2) A committee composed of a chairman, a deputy chairman and an even number of members (at least two) will be in charge of each polling station. The chairman and deputy chairman will be appointed by the mayors and province chiefs and will be chosen from among these people known for their seriousness and knowledge of electoral laws. The members are chosen by the Chairman from voters present at the polling station on election day.

(3) Each list has the right to designate an observer in the polling station. The latter must have a certificate issued by the candidates, or by the official representative of the list, and duly certified by authorities.

(4) The committee chairman is entrusted with the task of supervising the voting so that it will proceed in conformity with the electoral law. He is responsible for keeping order at the polling station.

(5) The chairman is obliged to make a report immediately in the event of fraud or if a complaint is made by the candidates' representatives.

(6) The deputy chairman assists the chairman in the above duties and will supervise the distribution of ballots.

(7) The voting begins at 0700 and ends at 1700 the same day.

Article 30. (1) Voters have to cast their ballots personally at the polling stations. They cannot vote by mail or by proxy.

(2) When entering the polling booth, the voter is forbidden to carry weapons. He must show his voting card together with his identity card before receiving an envelope and ballots.

(3) The person who distributes the ballots must give voters one for each list of candidates and alternate the sequence in which they are given to the voter.

(4) The voter must go alone into a covered booth. If he wishes to vote for a certain list, he will choose the ballot of this list and put it in an envelope.

(5) The voter selects up to six ballots from among those given to him. He cannot add, delete, or change any names. He cannot choose names of candidates from different lists.

(6) Unused ballots must be torn apart and dropped in a container placed at the polling booth.

(7) Upon leaving the polling booth, the voter will take with him the envelope containing the ballot(s), hold it high to show there is only one envelope, then drop it in the ballot box.

(8) Physically handicapped voters may be allowed by the committee chairman to select a voter to help him. The committee chairman has full authority to decide on these cases.

(9) After the voter has cast his ballot(s), a member of the committee in charge of the polling station will stamp the voter's voting card and cut the card at a corner. The corners cut from voting cards must be preserved for further checking against the number of voters who have voted.

Article 31. (1) The ballot box has a small slot for the passage of the ballot. When the voting begins, the committee chairman opens the ballot box and shows it to the public so the latter can see that it is empty.

(2) Then the ballot box is closed by two different locks whose keys are kept one by the committee chairman and the other by the oldest member of the committee.

(3) If, when the voting is over, a key is missing, the ballot box must be opened by any means and the fact noted in the report.

Article 32. (1) If there are any signs indicating that there may be serious disturbances or sabotage during the counting of votes, mayors and province chiefs may authorize the committee in charge of the polling station to bring ballot boxes to a more secure place to count the ballots.

(2) In such cases, the following measures must be strictly applied:

a. Voters and candidates' representatives must be informed.

b. Before moving the ballot boxes, the committee chairman must seal all ballot boxes, slots in ballot boxes, and two locks as well as necessary documents.

c. From the start of the move until the counting of the votes, candidates' representatives and all committee members must be present. This fact will be entered in the report.

Article 33. When the voting is over, votes will be counted in the following manner:

(1) The committee in charge of the polling stations will appoint from among the voters present who can read and write a number who will count ballots. They will be divided into groups of four persons sitting at separate desks.

(2) The committee chairman opens the ballot boxes and has the envelopes counted.

(3) After the envelopes are counted, the committee chairman must have the corners of voting cards counted. If the number of envelopes exceeds or is less than the number of voters who have voted, it must be noted in the report. The number of voters who have voted is the number of corners cut from the voters' cards.

(4) The committee chairman puts some ballots on each desk for counting. At each desk, the first counter opens the envelope and hands over the ballot to the second counter who reads aloud the names printed on the ballot. The ballot is then handed over to two other vote counters who check it separately and note it on the tally other vote counters who check it separately and note it on the tally

sheet. When counting, the first and second counters are not allowed to hold anything in their hands which might make the ballots irregular.

Article 34. Ballots will be considered invalid in the following cases:

(1) If envelopes contain more than six ballots. However, if there be more than one ballot bearing names of the same list, the ballot will be considered valid and count as one vote.

(2) If the envelope is different from those distributed to voters.

(3) If envelopes are empty or contain something other than the ballots.

(4) If envelopes or ballots contain additional words or symbols.

(5) If the ballots are not inside the envelope.

(6) If ballots show additional names or the names of candidates have been changed or their order modified, or if ballots are torn in two parts.

The committee chairman and one member of the committee must sign on the irregular envelope of ballot which will than be enclosed with the committee report stating the cause of the irregularity.

If the irregular envelopes and ballots are not enclosed with the report the election will be annulled only in the case that the irregular ballots could modify the results of the election.

Article 35. (1) Immediately after the counting of votes, the committee in charge of the polling station will prepare a report in quadruplicate.

(2) At polling stations in the provinces, the committee chairman will post one copy of the report in his office, keep one copy for himself, and forward two copies to the main polling station at the district town together with the ballots and envelopes described in Article 34, if any, for a summing up of the results in the district. The committee

chairman of the main polling station will add up the number of votes received by each list and prepare a report in quadruplicate for all polling stations within the district, and then post the temporary results at the district administrative office.

(3) Immediately after, the above-mentioned report will be sent to the polling station of the province capital. The committee chairman of this polling station will add up the total number of votes for each list within the province, write a report, and post the temporary results at the province headquarters.

(4) In Saigon, Hue, Da Nang, Cam Ranh, Da Lat and Vung Tau, the temporary results from various polling stations will be transmitted to the main polling station located at the municipal administrative office.

Article 36. (1) Temporary results of the elections in the provinces and municipalities will be transmitted by the most rapid means available to the Office of the Central Election Council which will announce the temporary results as it receives them.

Article 37. (1) By September 13, 1967, at the latest, reports prepared by the provinces and municipalities and the enclosed invalid ballots and envelopes must be sent to the Central Election Council referred to in Article 18.

(2) The Council will review all invalid ballots or contested ballots, check and officially announce the results of the election on September 13, 1967. This Council will then forward the report and all documents to the responsible administrative agency for transmittal to the Upper House which will use them as documents of proof in future validations of Senators.

Article 38. (1) If the Central Election Council finds that irregularities have been sufficiently serious to effect the honesty and results of the election, then it will declare the entire election invalid.

(2) In this case, a law will set the date and procedures for another election.

Article 39. Election results must be published in the Official Journal of the Republic of Viet Nam.

CHAPTER SIX

COMPLAINTS AND PENALTIES

Article 40. (1) After election day, voters and candidates have the right to complain about election irregularities.

(2) Complaints citing reasons therefor must be filed personally or by registered mail at the office of the Central Election Council no later than September 8, 1967.

(3) Complaints received after the above date will not be examined. When it receives a complaint the Central Election Council must stamp the date on the complaint and confirm receipt to the sender.

(4) Complaints and enclosed documents, if any, will be submitted to the Office of the Upper House which will use them in its consideration of validation of Senators.

Article 41. Violations of the free and honest nature of the election of Senators will be punished according to Article 35 through 47 of the Presidential Election Law.

Article 42. (1) Complaints with respect to violations of this law must be filed at a local Conciliation Court or a local Conciliation Court with Extended Jurisdiction within three days after election day.

(2) The concerned court can examine and reach a verdict on complaints one day after election day at the earliest and ten days after election day at the latest.

(3) Appeals can be made during a period of three days after the verdict is issued.

(4) The Court of Appeal must review a case within ten days from the date of appeal.

(5) Further appeal can be made within three days counting from the day of the Court's ruling.

(6) The Supreme Court of Appeal must review the case within ten days from the date of the Court of Appeal's decision,

Article 43. (1) If any candidate on any winning list is sentenced under provisions of Article 36, 37, 38, 39 and 43 of the law governing the election of the first President and Vice-President, the Court can declare the election of this person invalid. In deciding on the validation of Senators, the Upper House will take into account definitive court rulings.

(2) In the above case, the vacant Upper House seat will be filled at the next regular election of one-half of the Upper House, in accordance with Article 35, paragraph 2, of the Constitution.

(3) While awaiting a definitive court ruling, accused candidates who have been elected have the right to participate in Upper House affairs.

Article 44. (1) All court records and records of sentence related to this election are exempted from stamp and registration fees.

(2) This law will be published in the Official Journal of the Republic of Viet Nam.

Saigon, 15 June 1967

Signed: Lt. Gen. Nguyen Van Thieu

PRIME MINISTER'S ELECTION SEMINAR ADDRESS . . .

Prime Minister Air Vice Marshall Nguyen Cao Ky opened a four day seminar on the organization of the presidential and senatorial elections on 28 June at the Dien Hong Conference Hall. This free translation of his address on that occasion stresses the need for honest and legal elections and notes that through the achievement of democracy the nation attains greater international stature.

Ladies and Gentlemen,

As I have said at the Armed Forces Day commemorative ceremony last June 19 in this very Conference Hall, during the past two years we have stepped from a troubled period into period of stability and from an unsteady political framework into solid democratic structures.

The most important goal of the War Cabinet, after two stable years, is to build and achieve Democracy. Indeed, only by realizing Democracy can we settle at its very root the anti-Communist war, obtain total victory, and ensure a decent life for the poor.

That is why the War Cabinet has regarded as a major task the establishment of national institutions through the forthcoming Presidential and Senatorial elections.

In that spirit, I have ordered the convening of this Seminar on the organization of the elections for these national institutions today.

In the implementation of the Constitution, the election of the Chief of State and part of the first legislative branch of the Second Republic is of an extremely important nature bearing a decisive character on the fate of the nation in the months to come, because it marks a new phase heading for a new direction: the transfer of the power from the present government to a constitutional government elected by the people.

With the above-mentioned popularly elected structures, in the field of domestic affairs, our army and people will consolidate our internal strength to achieve Democracy, and in the field of foreign relations, we will have complete authority and more prestige on the international stage.



In such an important scope, the responsibility of the local administrative authorities is very heavy indeed: you have to ensure the success of the elections. By success, I mean the active participation of the voters, the maintenance of security before, during and after the elections, and mostly the insurance of the fairness and impartiality of the elections.

During the four-day seminar, representatives from the Security and Information Ministries and the Special Commission for Administration will brief you on the procedures and techniques of the elections' organization, as well as security and information plans for the elections. The participants will examine every aspect of the organization of the elections, exchange constructive ideas, and discuss among them to find the necessary measures to ensure success for the elections.

I would like to draw your attention on the following points:

First, it is necessary to campaign among the people and urge them to actively participate in the elections. For this purpose there must be wide dissemination among the masses on the important character of the elections vis-a-vis the nation's destiny, calling attention to the fact that there must be a Constitutional government elected by the entire people.

Second, the elections must be carried out perfectly. Based on the experience gained in the Constituent Assembly and the Village Council elections, the provincial authorities must work out adequate and efficient security plans.

The third point I want to stress is that you have to respect the free, honest and legal nature of the elections, by strictly respecting the free choice of the voters, and correctly implementing the election regulations so as to ensure complete impartiality and equitability towards the candidates.

I hope that you will correctly carry out the points I have just mentioned, and discuss thoroughly all laws and circulars concerning the organization of the elections. I am sure that with the help of the central governmental agencies, and with the determination and goodwill of all the local authorities, the forthcoming elections will be successful.

With this confidence in mind, I declare the Seminar open, and wish all of you great success.

SUPPLEMENTAL INSTRUCTIONS FOR CONDUCT OF THE PRESIDENTIAL,  
VICE-PRESIDENTIAL, AND UPPER HOUSE ELECTIONS, 3 SEPTEMBER 1967

Republic of Viet Nam  
Chairman/Central Executive Committee  
No. 91-TT/HP/PC

Saigon 17 June 1967

CIRCULAR

Chairman/Central Executive Committee

to: - Corps Commanders concurrently Government  
Delegates  
- Prefect  
- Province chiefs  
- Mayors

Co-addresses : - Vice Chairman  
- Commissioners General  
- Commissioners  
- Deputy Commissioners  
- Special Commissioners

Subj: Election of the President; Vice-President  
and Upper House

Ref : Laws No. 001/67 and No. 002/67 signed on  
15 June 1967

With a view to establishing national institutions as provided  
in the constitution two laws were promulgated on 15 June 1967:

- Law No. 001/67 fixing the procedure for election of the  
President and Vice-President
- Law No. 002/67 fixing the procedure for election of the  
Upper House.

The two elections described above will be held on Sunday 3  
September 1967 throughout the country,

The selection of the Chief of State and a part of the first  
legislative body of the 2nd Republic has a determining

character that bears upon the future of the nation.

Consequently, Prefecture, Provinces and Cities as well as all responsible agencies at the Central and local levels, are asked to do their utmost to assure a democratic election, that is, the election must be free, honest and legal.

The Armed Forces of the V.N. Republic and security agencies will actively do their part so that the election can be conducted in order and safety. Other agencies, as far as their duties are concerned, will lend support to the Prefecture, Province, City or its personnel in case of need, to enable the latter to organize the election successfully.

Specifically, the Prefecture, Provinces and Cities should pay heed to the following supplemental instructions relative to election procedures:

1. Election day

The local authorities should carefully select the sites for voting and strengthen security measures, so that the election can be held on the day prescribed in all the places of the localities. The postponement of the election day, although authorized by law when due to circumstances beyond control, should be avoided to the maximum.

In addition, the local election committee established in accordance with the election law must stay permanently with all its members, in Province Capitals or Cities, particularly on the 2nd on the 3rd of September 1967, so that they can be consulted on the spot should important events occur affecting the election process.

2. Double ballot-box room

Throughout the country, the voting rooms for the President, Vice-President and senators are organized with the double ballot-box room.

In each double box room there will be two ballot-boxes: one to contain the ballots of the tickets for President and Vice-President and one to contain the ballot of the tickets for senators.

To facilitate the distinction, on the top of each box will be painted a line of words: "Election of President, and Vice-President" or election of "Upper House".

3. Candidates' representatives

To insure the impartiality of the Government, all servicemen, civil-servants or cadres who accept to serve as representatives of the candidates in the election campaign are required to ask for leave without pay 2 months prior to election day.

4. How to request the authorities to intercede in case of violations of the election campaign procedures

In accordance with electoral law, the candidates or the representative of the ticket may request the Electoral Campaign Committee to take steps with the authorities to apply appropriate measures to put an end to any violations if they are found in the election campaign procedures.

Due to the important nature of this matter and to ascertain that the government is impartial, the administrative authorities will take action only upon request of the Electoral Campaign Committee that is considered as a responsible collective agency, and as a result the request made by the candidates or their representative is not yet valid.

5. Movement of ballot-box

As defined by electoral law, the following provisions should be strictly applied regarding the subject matter:

- If there are several signs that prove that the poll might be sabotaged heavily during the Vote count;
- All slots and the lock of the ballot-box as well as the relevant necessary documents must be sealed up before the move.

All provinces and municipalities are therefore requested to try their best to safeguard security and select the locations so as to avoid subject move that is complicated and would engender complaints.

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\*      \*

I earnestly wish that all provinces and responsible agencies will eagerly contribute to success in the organization of the national institutions.

As regards the provisions in the electoral law of the Upper House, they specially concern the "related administrative agency" at the central level, i.e. the Commission General for Revolutionary Development (S.C.A.)

S/s Air Vice-Marshal  
Premier Nguyen Cao Ky

NATIONAL ASSEMBLY PRESIDENTIAL SLATES . . . . .

LIST NUMBER	BALLOT SYMBOL	PRESIDENTIAL CANDIDATE (date and place of birth, profession)	VICE PRESIDENTIAL CANDIDATE (date and place of birth, profession)
1.	Plowing Buffalo	PHAN KHAC SUU, 1905, Vinh Long, agricultural engineer	PHAN QUANG DAN, 1918 Nghe An, doctor.
2.	Rice Flower	HA THUC KY, 1919, Thua Thien, teacher	NGUYEN VAN DINH, 1909, Long An, teacher
3.	Home of the People	HOANG CO BINH, 1909, Ha Dong, doctor	LIEU QUANG KHINH, 1892, Can Tho, property owner
4.	Moving Hands	LY DAI NGUYEN, 1930 Bac Ninh, writer	VU DINH MANH, 1914, Phan Thiet, chairman of Southern VN Veterans Force
5.	The will of the People is the will of God	LUU QUANG HONG, 1905, Da Nang, newspaper reporter	NGUYEN MANH HAI, 1924 Ha Dong, newspaper reporter
6.	White Pigeon	TRUONG DINH DZU, 1917 Binh Dinh, lawyer Saigon Court of Appeals	TRAN VAN CHIEU, 1919, Bien Hoa, merchant
7.	Farmer Sowing Rice Seed	TRAN VAN HUONG, 1903, Vinh-Long former teacher	MAI THO TRUYEN, 1905, Ben Tre, former principal finance and administrative inspector
8.	Incense	PHAM HUY CO, 1918, Phu Ly, doctor	LY QUOC SINH, 1922, Ha Nam, lawyer
9.	Fatherland	TRAN VAN LY, 1901, Quang Tri former governor of Central Vietnam	HUYNH CONG DUONG, 1903, Dinh Tuong, notable.
10.	Rising Sun	NGUYEN DINH LUYEN, 1902, Nam Dinh, doctor	TRAN VAN THOAN, 1908, Bien Hoa, assistant prosecutor, Supreme Court of Appeals.

- |     |                                                |                                                                                         |                                                                                                                                         |
|-----|------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 11. | White Star                                     | NGUYEN VAN HIEP, 1905,<br>Binh Duong, former<br>Minister of Interior,<br>notable.       | NGUYEN THE TRUYEN, 1898,<br>Nam Dinh, chemical engineer,<br>PHD in physics, notable.                                                    |
| 12. | Spring Flower                                  | DUONG VAN MINH, 1916,<br>My Tho, former ARVN<br>4-star general                          | TRAN NGOC LIEN, 1923,<br>Vinh Long, lawyer, Saigon<br>Court of Appeals                                                                  |
| 13. | Emanicipation                                  | TRAN THUONG NHON, 1931<br>Thua Thien, teacher                                           | NGUYEN VAN HUNG, 1920,<br>Cho Lon, politician                                                                                           |
| 14. | Map of Vietnam on<br>VN Flag                   | NGUYEN CAN THIEU, 1923,<br>Ninh Thuan, ARVN 3-star<br>general                           | NGUYEN CAO KY, 1930,<br>Son Tay, soldier                                                                                                |
| 15. | Bunched Torches                                | VU HONG KHANH, 1907,<br>Vinh Yen, merchant                                              | DUONG TRUNG DONG, 1922<br>Chau Doc, merchant                                                                                            |
| 16. | No more Bombs                                  | AU TRUONG THANH, 1923,<br>Saigon, tax advisor                                           | VU VAN HUYEN, 1912,<br>Ha Nam, lawyer, Saigon<br>Court of Appeals.                                                                      |
| 17. | White Star of<br>Liberation Above<br>The Earth | HOANG CHU NGOC, 1930,<br>Nam Dinh, secretary<br>general, Cao Dai Central<br>Committee   | TRAN VAN XUYEN, 1891,<br>Go Cong, member Cao Dai<br>Central Committee                                                                   |
| 18. | Buffalo                                        | NGUYEN DINH QUAT, 1917,<br>Ha Tinh, industrialist<br>and deputy Constituent<br>Assembly | TRAN CUU CHAN, 1906,<br>Ba Xuyen, Doctor of Letters,<br>former Secretary of Education,<br>former Director of National<br>Administration |

AN INSPECTION TEAM WITH THE ADMINISTRATIVE ASSISTANT TO THE GOVERNMENT DELEGATE AS CHIEF INSPECTOR IS ESTABLISHED FOR EACH REGION . . . . .

Republic of Vietnam

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Prime Minister's Office

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No. 1457-ND/HP/NV

The Chairman of the Central Executive Committee

Considering.....

.....

Decrees the following:

Article 1 - This is to establish at each CTZ an Inspection Team under direct control of the relevant CTZ Commander, concurrently Government Delegate.

Article 2 - Each Inspection Team consists of :

- 1 Chief Inspector
- 1 Inspector
- 2 Controllers

The Chief Inspector is concurrently assumed by the Administrative Assistant to the relevant CTZ Commander.

Inspectors and controllers will be selected from among those civil servants of categories A and B1 having more seniority of service and experience in administration and finance.

An Inspector is ranked as a Director in charge of a few services only and a Controller as a Chief of Service at the Commission, regarding their allowances in kind and in cash.

Article 3 - Inspectors and Controllers will be designated by CTZ Commanders concurrently Government Delegates through their decisions, but these decisions should be approved by the Prime Minister's Office.

Article 4 - Within the area of each CTZ, the Inspection Team takes charge of :

- Controlling and pushing forward the implementation of various policies adopted by the government, and trying to understand the people's requirements and aspirations;
- Regularly inspecting various public agencies and proposing appropriate measures for improvement;

- Controlling expense and receipt items under the national, provincial, and village budgets, and the non-budgetary account;
- Organizing studies or special missions advantageous to the local administration;
- Investigating every case entrusted by the Government Delegate.

Article 5 - The Chief Inspector will plan a periodic inspection schedule, and communicate it to the Office of the Superintendent General.

The CTZ Commander concurrently Government Delegate will let the above-mentioned Office know every special inspection, if any.

Article 6 - Results of inspections or investigations will be reported to the Government Delegate for decision, or relevant appropriate proposals will be made and submitted to the Prime Minister's Office for consideration, with copies to the Office of the Superintendent General, S.C.A. and commissions concerned.

Article 7 - The Vice Prime Minister, Commissioners General, Commissioners, Deputy Commissioners, Special Commissioners, and CTZ Commanders concurrently Government Delegate, will carry out this Decision as far as their Duties are concerned.

This Decision will be published in the Journal of the Republic of Viet Nam.

Saigon, June 19, 1967  
For the Prime Minister,  
Commissioner at the Prime Minister's  
S/S Truong Thai Ton

NO. 117/HBHP/NSNV/NC  
Concurred  
Saigon, May 31, 1967  
Director General of Budget  
& Foreign Aid

Duplicate  
For Director of Cabinet  
Deputy Director of Cabinet

s/S Luu Van Tinh

S/S Dao Xuan Dung



Republic of Vietnam  
S.C.A.  
No. 1985/DUHC/KH/2

Saigon, April 25, 1967

TOP URGENT

Special Commissioner  
for Administration  
to

- The Prefect
- Province Chiefs
- Mayors
- Head of Con Son Administrative Delegation

Co- Addressees: Administrative Assistants to CTZs

Subject: Census of Population

This Commission has realized that census of population in the past has not been clear and standardized. The local and central agencies have usually given different figures on population.

This has resulted from use of different methods of population census, various criteria, different reporting ways, or from changes in security conditions, especially where the R.D. program has been carried out forcefully and a great number of people have been attracted to live in secured communities.

This fact has greatly hindered the realization of projects for social welfare, economy, security, etc., especially the reorganization of administrative structures and the building of democracy (elections).

To correct this state of affairs an interdepartmental meeting was recently held at the Special Commission for Administration to study a population census for 1967.

The conference unanimously agreed on criteria and methods of population census as indicated below:

1. Definitions of areas where census of population will be made

1. Secured Area - This secured area includes Saigon prefecture, various municipalities, villages, hamlets, province capitals, district towns, and other villages and hamlets where elections of village councils, hamlet chiefs and deputy hamlet chiefs may be held during 1967.

2. Semi-secured Area - This semi-secured area, is composed of all villages and hamlets where Village Administrative Committees and Hamlet Executive Boards are designated temporarily (village and hamlet elections cannot yet be held due to lack of security condition).

3. Uncontrolled area - This area covers all localities where village and hamlet administration is not yet set up.

## II. Procedure governing census of the population:

1. In secured areas - Census of the population will be conducted by local administrative committees.

- In Saigon and in other cities, by Chiefs of quarters and sub-quarters, by street councils working in coordination with Chiefs of inter-families.

- In provinces, by Chairman of Village Administrative Committee and by Hamlet Chiefs.

The following documents will be referred to in conducting a census of the population:

- Family book
- Civil Status certificate
- ID card and relevant information
- Voters' list
- Other information available at anti-communist refugee resettlement centers and returnees' centers.
- Report prepared by workers in charge of the census,
- And any other information deemed helpful to the census.

2. In semi-secured areas - Family book, civil status certificate, ID card, voters' list and report prepared by various teams of workers in the area will be used as reference.

In addition, other information on the population provided by workers in charge of the census can be used.

In areas where entry is impossible, a Committee at District level chaired by the District Chief concerned and composed of representatives of the army, police, regional forces and popular forces will be established. This Committee will work in cooperation with

village and hamlet officials to make such an estimate of the population as deemed the most accurate and workable.

3. In uncontrolled areas - A joint Committee composed of representatives of the army, the people and government officials and modeled on the above mentioned Committee plus representatives of the Intelligence Agency and military forces in operation in the area will make an estimate of the population therein, using information collected from reconnaissance operations from documents seized and from other data received by the Committee.

### III. Census of Servicemen:

For the purpose of preserving secrecy and since most servicemen are recorded in the family book, they should be regarded as civilian personnel when a census of the population is conducted. In a post or billet where no family books are available, local administrative authorities will get in touch with the military authorities concerned to get necessary information.

The S.C.A. will ask the Ministry of Defense to request military commanders to assist local administrative authorities in the conduct of the census of population, particularly the census of servicemen and their families.

### IV. Deadline for the census of population and reporting methods

Immediately after receipt of this circular, the S.C.A. requests your Office to make a thorough study of the problem and to prepare plans without delay in order to facilitate the nation wide census which will begin on 20 June 1967 and terminate on 30 June 1967.

#### Number of population to be computed as of 30 June 1967

The two forms attached will be used in the conduct of population census:

FORM A: to be established by the Prefecture, Provinces and municipalities based on FORM B.

FORM B: to be established by Districts based on documents dealt with in part II.

These two forms will be forwarded to Central Government before 15 July 1967:

- Ministry of Revolutionary Development.....2 copies (1 copy for each form)
- Ministry of Security. . . . .2 copies ( same)
- Ministry of Defense . . . . .2 copies "
- General Staff Headquarters. . . . .2 copies "
- National Institute of Statistics. . . . .2 copies "
- Special Commission for Administration . . . .6 copies (3 copies for each form)

The S.C.A. is now having the forms printed to be sent to your Office in the near future.

The results of this census of the population will be considered the official population figures.

Due to the urgency and importance of this problem, we earnestly request your Office to follow the guidelines and criteria stated above and to organize the census of population consistent with local conditions and in the manner deemed most accurate and workable.

Nguyen Van Tuong

## CENSUS OF POPULATION

(FORM A)

as of 30 June 1967

[illegible]

1. - Secure area : Saigon 5 municipalities, villages, Hamlets in province capitals, District Capitals and other villages/hamlets where there are elections of villages Councils and Hamlet Chiefs during 1967
- Semi-secure areas : Villages/Hamlets where Provisional village Adm. Committees and management Committees are appointed (elections could not be held due to security reasons)
- Uncontrolled areas: Areas where there are no village/hamlet administration.....
2. - Breakdown of races and give the number of each race as follows: .....
3. - Breakdown of nationalities and give the number of each nationality as follows: .....

(FORM B)

[illegible]

1. - Secure area : Saigon 5 municipalities, villages, Hamlets in province capitals, District Capitals and other villages/hamlets where there are elections of villages Councils and Hamlet Chiefs during 1967
- Semi-secure areas : Villages/Hamlets where Provisional village Adm. Committees and management Committees are appointed (elections could not be held due to security reasons).
- Uncontrolled areas: Areas where there are no village/hamlet administration.....
2. - Breakdown of races and give the number of each race as follows: .....
3. - Breakdown of nationalities and give the number of each nationality as follows: .....

CENTRAL GOVERNMENT: Procedure for the regularization of transfer of property which is occupied for the execution of public works, national defense or public interest projects.

Republic of Vietnam  
Central Executive Committee

--OO--

No. 002/67

The Chairman of the Directory decrees:

Article I. - The transfer of property which is occupied for the execution of public works, national defense or public interest projects, can be regularized in accordance with the following provisions:

Chapter I.

Generalities

Article 2. - The transfer of the property specified in article 1 to the State of Vietnam, to local administrative corporate bodies or to public agencies shall be made through a bill of sale or a court judgment.

1. After an arrete has been issued by the Chairman of the Central Executive Committee authorizing the purchase for the State of Vietnam or government agencies or after an arrete has been issued by the Special Commissioner for Administration authorizing the purchase for local administrative corporate bodies.

2. After an arrete has been issued by the Commissioner of the Ministry enjoying the use of the property or by the Ministry in charge of supervising the activities of public agencies or after a decision has been made by the Province Chief defining the particulars of the property and the recommended purchase price if these are not mentioned in the arrete set forth in paragraph I.

Article 3. - The following will automatically have no effect on the occupied property:

1. Any registration of lien or special assignment made after the day of publication of the arrete defining the particulars of the property and the recommended purchase price.

2 - Any contract signed after the above date, aiming at transferring all this property to any individual body or corporate body other than that enjoying the use of the property.

## Chapter II. -

### Administrative measures

Article 4. - The arrete authorizing the purchase together with the map drawn up at a proper scale will be reviewed and signed, based upon the report of the agency enjoying the use of the property.

Article 5. - The arrete or decision confirming the particulars of the property and the recommended purchase price will be reviewed and signed based upon

1 - The land registry document or land survey report or another document confirming the ownership mentioned in articles 15 and 16.

2 - The report of the local Valuation Committee the composition of which will be specified by an arrete or a decision of the local authority, This Committee must include among its members a legal representative of the landlord.

With regard to the transfer of a property to the State of Vietnam or to a public agency, this document must be countersigned by the Special Commission for Administration and the Commission of Finance.

If the property is transferred to a local administrative corporate body, the agreement from the agency in charge of controlling the implementation of the local budget must be obtained.

Article 6. - The arrete or decision confirming the particulars of the property, the name of the landlord, the area, the recommended purchase price, etc. .... must show the year when the occupancy of the property took place, the official assigned with the establishment of the purchase contract. The arrete must also be published in

1. the official Journal of the Republic of Vietnam
2. three daily newspapers authorized to publish legal announcements for two consecutive days through a notice giving briefly required information.

This notice shall advise that people can consult the file mentioned in article 7, specify the period of time they have to make known the privileges mentioned in article 9 and mention in full text articles 12; 27 and 28 of this decree.



3 - The Province Chief, Prefect or Mayor shall notify the Presiding Judge of the Court of First Instance or the Justice of the Peace with extended powers, the Chief of Land Administration Service or the administrative agency of the locality where the property is located.

The above notification shall also be published for 10 calendar days at the district, province administrative offices, city halls and government offices at the location where the property is located.

Article 7. - From the day this notice is posted, a file composed of:

- .1 - a copy of this decree
- 2 - the arrete authorizing the purchase
- 3 - the arrete or decision confirming the particulars of the property and the recommended purchase price must be left for people's consultation at the administrative offices of the province, district or village where the property is located.

Article 8. - The Province Chief must establish a certificate confirming that the procedures provided for in the above articles 6 and 7 have been applied in full.

### Chapter III. -

Transfer of property and effects concerning priority rights, mortgage and other real rights.

Article 9. - Within a period of 15 days, after the end of the date of posting of the notice mentioned in article 6, preferential creditors (priority rights, mortgage and other real rights) of the property must notify the Province Chief or mayor if these rights have not been registered in land registry records.

The above priority rights are based on land registry records according to common regulations; in case of loss or destruction of records, they are based on the declaration of loss or on proofs produced by creditors before the Court.

Notification of rights if any can be made either by registered or ordinary mail. The Concerned party must personally submit the letter to the local administrative Office and the official who receives it must issue a receipt.

Article 10. - Also within the above period, any copy of registration of a private property or dowry property must also be issued by the village administrative agency or the Chief of the Land Administration Service who will notify the Province chief and the Mayor accordingly.

In case land registry records are not yet established, or lost or destroyed, the rightful claimants must again declare the above registration to the village administrative agency for notification to the province.

Article 11. - The above preferential creditors may only ask for a revision of the price of the property but may not ask for an increase in the adjudication price.

If the requests a revision of the price, the concerned party must state in the notification mentioned in article 9 that he will submit an application for a price revision and pledge to bear all expert appraisal costs and court costs, and will deposit a bond fixed by the Court.

The concerned party can also ask for a revision of the price in the notification itself which should then give all particulars and be enclosed with all concerned justificative papers.

Article 12. - If no notification is made within the prescribed period of time, the property can be considered as free from obligations (mortgage, pledging, seizure, . . .) or any lien of any kind.

If creditors send in their notification but make no mention of the recommended purchase price of the property, this can be interpreted as if they have approved the price.

Article 13. - The procedure specified in the above articles 9 and 10 will not be applied to property of which the occupied portion does not cost more than \$ 5,000.

In this case, the landlord or the party entitled must be responsible for the payment of debts.

The price of \$ 5,000 stipulated in paragraph 1 of this article as well as the prices stipulated in other paragraphs of this decree are fixed by the Valuation Committee.

Article 14. - With regard to property which is tied up by liens or special assignment with occupied portions costing more than \$ 5,000, the Court will decide on:

- the use of the money from the sale of the property (cases of property assigned to worshipping of ancestors)
- or share this money between different creditors and the landlord except in the case when all concerned parties agree to let the landlord or the rightful claimant receive the whole amount.

#### Chapter IV. -

Concerning the proof of ownership, the party entitled to represent the landlord, and the signatory of the contract for the Sale of the property:

Article 15. - The ownership of the occupied portion of the property will be determined on the basis of land registry records.

Article 16. - If land registry records kept at village administrative offices or local land administration agency are destroyed or missing,

1 - in case the Sale contract is not lost, the village administrative agency will certify that the occupied portion of land is actually the property of the person whose name is shown on the contract if he agrees to pledge to take full responsibility in case of error or forgery of the contract.

2 - In case the contract of sale is also lost, the village administrative agency will certify that the occupied portion of land is the property of the concerned party.

a - based on actual facts if the recommended purchase price of the occupied portion of the property is not over \$ 5,000 -

b - Based on actual facts and statements from two witnesses if the recommended purchase price is over \$ 5,000 but less than \$ 10,000 -

c - Based on actual facts after posting the name of the landlord and the plan at the village administrative office for 15 calendar days if the recommended price is between \$ 10,000 and \$ 20,000 -

This procedure supersedes that stipulated in the above paragraph 1, 2 (items a and b) if the village administrative agency deems it necessary.

Article 17. - If the landlord is dead, absent or due to some reason, he cannot produce the contract or express his opinion, the village administrative agency will, upon request of the party entitled, certify the jurisdiction of this person so that he can represent the landlord, sign a contract or express his opinions and receive money.

The village administrative agency will

1 - base on actual facts if the recommended price of the occupied portion of the property does not exceed \$ 5,000 -

2 - base on actual facts and statements of the familyhead-landlord if the recommended price is between \$ 5,000 and \$ 10,000

3 - base on actual facts and the report of the family council-landlord if the recommended purchase price of the property is between \$ 10,000 and \$ 20,000-

This procedure should be used to replace the above procedures 1 and 2 if the village administrative agency deems it necessary.

The person who signs the contract and receives money must be responsible before other rightful claimants. After the contract has been signed, if any claim is received as to the ownership of the concerned property or to the amount of money received, the contracting agency will not be involved and the document on the transfer of the property cannot be considered as null and void for any reason whatsoever.

Article 18. - If due to any logical reason the village administrative office refuses to certify the property or the qualification of the party entitled according to the procedure stipulated above or the recommended purchase price of the occupied portion of the property exceeds \$20,000 or the total amount of recommended price paid to each landlord or party entitled exceeds this sum, the concerned parties must certify their rights or qualification according to common law.

Article 19. - The here under mentioned persons who are entitled to exercise the rights granted to the owner of the property, except the receipt of proceeds from the sale of the property if the recommended price is over \$ 5,000 must wait for a decision of the court on the use of the money:

1. The present beneficiaries of the property (with regard to property left by heritage)
2. The wife (with regard to dowry property)

Article 20. - The procedure stipulated in articles 17 and 18 shall also be applied to certify the rights and qualification of the beneficiary of the property.

Article 21. - With regard to public property assigned to private use and private property of the village, the village administrative agency is entitled to exercise officially granted rights.

However, in the use of the proceeds from the sale of the above property, the village administrative agency must comply with current regulations in force.

Article 22. - The certification of ownership, qualifications of the party entitled to represent the landlord or the beneficiary of the property according to particular procedures stipulated in this chapter is only good for the occupied portion of the property.

#### Chapter V.

##### Procedure of transfer of ownership

Article 23. - The transfer of ownership shall be made immediately after the sale contract of the property has been signed or after a judgment replacing this document is available.

If there is a conflict on the ownership of the occupied property, the transfer will be made only after a judgment has been delivered by the court.

Article 24. - The sale contract of the property shall be signed at the locality between

- the representatives of the Ministry enjoying the use of the property, the public agency or the local administrative corporate body.

- and the landlord or the rightful claimant according to common law or according to special provisions stipulated in chapter 4.

These persons are entitled to sign the sale contract without requiring the concurrence of the spouse if the recommended price of the property is not over \$ 50,000.

The contract shall be signed

- after the deadline of posting of the notice stipulated in article 6 if the occupied portion of the property is recommended at a price under \$ 5,000.

- after the deadline of posting of privileges or special assignment if this portion of land is recommended at a price over \$ 5,000, with no one requesting a revision.

Article 25. - The contract can be established under the form of an administrative certificate or a legal document and covers all the property in a village belonging to one or several landlords.

The signing with finger prints or chinese characters can be considered as regular if certified by a witness.

Article 26. - In case they do not agree upon the recommended purchase price, rightful claimants must send a registered petition to the Province Chief or mayor.

Concerned parties can also personally file their petition with the province administrative offices or city halls. In this case, the official receiving the petition must issue a receipt.

The petition must be enclosed with required justificative papers. Any declaration, remark and request should be made in the petition. The petitioner should also pledge to bear all expert appraisal and court costs in accordance with articles 37 and 38 of this decree.

After receiving the petition, the Province chief or Mayor must transmit it to the Court of First Instance or the Justice of the Peace with extended powers for examination.

Article 27. - The period of time allowed to landlords or rightful claimants to appear to sign the contract or to request a revision of price is three months counting from the day of posting of the notice mentioned in article 6.

Article 28. - Any landlord or rightful claimant who does not appear to sign the contract or does not submit a request to revise the price within the period of time allowed can be considered to have agreed to sell the occupied portion of his property at the recommended price.

The Province chief will issue a report to confirm this fact and send it to the court

- for revising the price if preferential creditors ask for a revision of the price

- for confirming the agreement, if there is no preferential creditor or if preferential creditors do not ask for a revision of the price.

Article 29. - The judgment resetting the price or confirming the agreement shall replace the sale contract of the property.

Article 30. - The sale contract of the property or the judgment replacing it, after registration, shall be sent to the local land administration agency for registration in land registry records or for recording in title deed records and for transmittal to the Ministry of Finance for registration in the public property register,

The transfer of ownership to the State of Vietnam, public agencies or local administrative corporate bodies will be automatically made in accordance with the contract or the judgment mentioned above without requiring any registration.

Article 31. - If the occupied property is already publicly owned and has been purchased by public funds, no procedure is required besides updating the land registry records.

The updating will automatically be made in accordance with the arrete authorizing the purchase and the arrete or decision confirming the particulars of the occupied property.

#### Chapter VI. -

Legal procedure on the transfer of ownership.

Article 32. - The file transmitted by the Province chief to the court for execution of the above articles 11, 14, 26 and 28 will include:

A. For all cases:

1. A copy of this decree
2. The arrete authorizing the purchase
3. The arrete or decision confirming the particulars and recommended purchase price of the property
4. The certificate stipulated in article 8.

B. For each particular case:

- a. In order for the court to decide the sharing and use of the money (article 14), notification of liens or special assignment should be made.
- b. In order for the court to revise the price of the property (articles 11 and 26), notification of liens or application for a revision of the price including the statements, remarks, desiderata of the concerned party and enclosed with required justificative papers should be made.
- c. The court pronounces a judgment to confirm the agreement (article 28) if a report has been received confirming that nobody has showed up to sign the contract and ask for a revision of the price.

Article 33. If the file received is not regular and complete, the court will, within 15 days from the date the file is received, notify concerned parties for completion and regularization within a period of one month. After this deadline, the Court will make a decision as the case may be.

In any case, after receiving the file or after the deadline for completion of the file, the court must:

1. Revise the price within a period of 3 months
2. Approve the agreement within a period of 15 days
3. Decide the sharing or use of the proceeds from the Sale of the property within a period of one month.

If many decisions are required, the concerned periods of time must be added together.

Article 34. In the revision of the price, the court can only handle those cases likely to alter the price of the property.

The court can itself appoint one or several experts, give orders to apply all measures and procedures required.

Article 35. If it is deemed necessary to have experts assigned, the court will notify:

- The concerned parties (the landlord or the party entitled to represent preferential creditors. . . .) who have made a request for the price revision.
- The local representative of the Ministry, the public agency or the administrative corporate body asking for the purchase of the property, who is assigned to sign the contract so that both parties can appoint two experts and notify the court within 15 days from the date they are notified by this agency. This period of time also includes the depositing of the bond.

The expert assigned by the concerned parties requesting a price revision must meet with other experts to proceed with the survey but he must advise the court and other experts in advance.. This meeting lasts at least two days.

Experts from both parties will together estimate the price of the property. Their survey report must be submitted to the court within a period of 30 days after they are appointed.

Article 36. If no expert is appointed within the prescribed period of time, this can be interpreted to mean that the concerned parties requesting a price revision have agreed upon the recommended purchase price and the court will pronounce a judgment to confirm this agreement.

Any expert who is appointed to make the survey but who does not do so because of any reason whatsoever will be assumed to be in agreement with the conclusion of the majority of the experts who have made the survey.

If the survey report is not submitted within the prescribed period of time, the court will judge according to the dossier received.

Article 37. If the price as revised by the court is equal to the recommended purchase price, concerned parties who have made a request for a price revision must pay all costs (court costs, law suit costs, expert appraisal costs).

If the price as revised by the court is equal to the sale price requested, the budget of the agency purchasing the property must bear all costs.

If the price as revised by the court is higher than the recommended purchase price but lower than the sale price requested, the court will decide the sharing of costs that each party must bear according to the percentage of difference between the recommended or requested price of each party and the revised price.



In any case, the portion of costs to be borne by the concerned parties who have requested a price revision cannot exceed the costs fixed by the court. The excess shall be borne by the public agency purchasing the property.

Article 38. - If all rightful claimants request a price revision, no depositing of a bond is required.

If among preferential creditors landlords or the party entitled to represent the landlords and other rightful claimants, some agree on the recommended purchase price while some do not agree and request a price revision, the Court will have the latter deposit a bond provided for the payment of charges.

Failure of payment of bond within the prescribed period of time shall be interpreted as non-confirmation of the request for a price revision and agreement upon the recommended purchase price and the Court will pronounce a judgment to confirm this agreement.

If the revised price, after deduction of charges, is lower than the recommended purchase price, only the person requesting a price revision will have to pay the difference in the two prices.

Article 39. - A judgment revising the price or confirming the agreement is final. Only an appeal to the Supreme Court can be made.

Request for an appeal to the Supreme Court must be filed within 3 days after the judgment is pronounced.

Article 40. - Current legal procedure will be applied if it is not contradictory to the provisions of this decree.

#### Chapter VII. -

##### Payment

Article 41. - The amount of money to be paid to the landlord or rightful claimant includes the cost of the property and interest.

Article 42. - The cost of the property is the recommended purchase price approved by the landlord or the rightful claimant or the price as revised by the Court.

It is the cost of the land at the time it is occupied when construction has not yet started. All damages resulting from the moving of buildings, crops, plants, graves and equipment if any will be certified by the agency enjoying the use of the property and recommended by the Valuation Commission and paid to the person who actually suffers the loss.

Article 43. Interest computed according to the cost of the property is charged at the rate of 6%.

It is computed for a full year and without limitation of the number of years for which interest has to be paid. The year when the land is occupied and the year when payment of this is effected are considered as two separate years.

Article 44. The cost of the occupied property shall be paid to the landlord or the rightful claimant in cash immediately after the sale contract has been signed or after the judgment replacing it has been pronounced if the transferred portion of property is recommended at a price under \$ 5,000 or if the property has not been granted or especially assigned to some agency or if there are only preferential creditors who agree to allow the landlord or the rightful claimant to receive the full amount of money.

Article 45. This decree automatically governs payment for the occupied property. Creditors will be paid according to the terms fixed by the landlord.

Sums of money which are retained and cannot be paid yet either pending the court's decision for their sharing or use (article 14) or due to the absence of the landlord, will be deposited in the Deposit and Consignment Fund.

All obligations binding the occupied property shall be automatically cancelled after the payment or after the money paid has been deposited in the Deposit and Consignment Fund

#### Chapter VIII

##### Miscellaneous provisions

Article 46. All contracts or judgments replacing them, the decision on the sharing or use of the sums of money concerning the sale of property mentioned in this decree are exempted from payment of registration tax and fiscal stamps.

Payment of inheritance tax is also exempted for the occupied property if the landlord or the rightful claimant does not ask for a price revision.

Article 47. All judgments replacing the contract (except the judgment revising the price) and decisions of the court on the sharing and use of the sums of money concerning the portions of land transferred to the State of Vietnam to a local corporate body or a public agency are exempted from payment of charges and court costs.

Article 48. Payment of fees for registration or issuance of land certificates regarding the above property is also waived.

Article 49. With regard to expropriation for public interest performed within the framework of the decree of June 15, 1930 or arrete No. 580 Cab/SG of November 19, 1951, the provisions of this decree can also be applied if payment has not already been made while the land was occupied and if the Ministry enjoying the use of the property deems it necessary.

In the above case, the provisions of this decree will be executed one after another in accordance with the arrete of the Ministry enjoying the use of the property. The here under mentioned arrete or decree will be considered as an arrete authorizing the purchase mentioned in article 4:

1. the arrete promulgating the expropriation specified in article 2 or arrete No. 580 Cab/SG of November 19, 1951.
2. the law or decree authorizing the execution of work specified in article 1 of the decree of June 15, 1930.

Article 50. With regard to property specified in article 2 whose purchase is authorized by an existing decree, the Ministry enjoying the use of the property, if it deems necessary, can also assimilate the above arrete with one or two following documents as the case maybe:

- arrete authorizing the purchase (articles 2 and 4)
- arrete confirming the particulars of the property and the recommended purchase price (articles 2 and 5)

Article 51. The Chairman of the Central Executive Committee is charged with the execution of this decree which will be published in the Official Journal of the Republic of Vietnam.

Saigon, February 14, 1967

Lt. General Nguyen Van Thieu

Republic of Vietnam

-0-

Office of the Chairman of the  
Central Executive Committee

No. 15-SL/HP/PC

The Chairman of the Central Executive Committee

Considering the Provisional Convention dated June 19/1965;

Considering the Decision No. 3-QLVNCH/QD dated June 14/1965, determining the composition of the National Leadership Committee;

Considering the Decree No. 001-a/CT/LDQG/SL dated June 19/1965, amended by the Decree No. 121-CT/LDQ/SL dated Oct. 5/1965, and determining the composition of the Central Executive Committee;

Considering the Decree No. 019-a/CT/LDQG/SL dated January 21/1966, establishing the Ministry of War Veterans;

Considering the statute No. 3/62, dated January 17/1962, regulating the joint national mutual assistance given to war veterans and to orphans and widows of war dead;

Considering the Decree No. 604-QP/ND dated April 10/1962, determining the organization and management of Orthopedics and Professional Training Center;

Considering the service-needs,

D E C R E E S :

CHAPTER I

Generalities

Article I.- The National Institute of Rehabilitation is now established, and placed under the direct supervision of the Ministry of War Veterans; it includes facilities in Saigon and in the Tactical Regions.

The National Institute of Rehabilitation is a public agency, with legal status and administrative and financial autonomy.

Article 2.- The National Institute of Rehabilitation assumes the following responsibilities:

- Orthopaedics
- Physical exercise of disabled persons, in order for them to recover their former capacity of movement.
- Professional orientation
- Professional training; issuance of professional training certificate.
- Finding out of jobs at government and private agencies; setting up of services for the protection of professional practice in behalf of wounded or disabled soldiers of the V.N. Armed Forces, paramilitary forces, and of civilians disabled by war injuries and diseases.
- Training of:
  - rehabilitation technicians
  - phisio-chemo-therapy technicians
  - (School of Physio-Therapy and Rehabilitation)

## CHAPTER II

### Administration

Article 3. The National Institute of Rehabilitation is managed by a Governing Board, whose composition is as follows:

- |                                                                         |          |
|-------------------------------------------------------------------------|----------|
| - Commissioner for War Veterans<br>(or his representative)              | Chairman |
| - Representative of the Ministry of Defense                             | Member   |
| - Representative of the Ministry of Health                              | -        |
| - Representative of the Ministry of Education                           | -        |
| - Representative of the Ministry of Social Welfare-                     |          |
| - Representative of the Ministry of Labor                               | -        |
| - Dean of the Faculty of Medicine of Saigon<br>or his representative    | -        |
| - Director of the National Institute of<br>Rehabilitation               | Reporter |
| - Director General of Budget and Foreign Aid<br>(or his representative) | Member   |

Article 4.- The Governing Board will be in charge of :

- The examination and endorsement of the statute of the National Institute of Rehabilitation.
- the setting up of a long-range program and of annual programs, in compliance with the Institute Director's recommendations.
- the vote of the annual autonomous budget of the Institute, which should be submitted to the Chairman of the Central Executive Committee for approval.
- the study of technical, administrative and financial reports and comparative documents worked out by the Institute Director on an yearly basis.
- the nomination of managers of Professional Orientation Centers, in accordance with the Institute Director's recommendations.
- the examination and endorsement of the Institute personnel status which will be submitted to the Chairman of the Central Executive Committee for approval.
- the taking of decision concerning receipts and expenses over 500,000VN\$.
- the acceptance of donations and legacies on behalf of the Institute and the taking of decision concerning the use of these donations and legacies.
- the taking of decisions concerning the recruitment of personnel of categories A and B.
- the nomination of the Institute Director.

Article 5.- The Governing Board is convened by the Chairman when required and at least once every 6 months. Furthermore, the Governing Board may convene in special session in compliance with the request made by the Institute Director or by the Chairman of the Board.

The decisions of the Board are only valid when taken in presence of the chairman and at least by 2/3 of its members.

The Board votes by absolute majority.

### CHAPTER III

#### Management

Article 6. The National Institute of Rehabilitation is managed by a Director appointed by a decree of the Chairman of the Central Executive Committee in accordance with the recommendations made by the Governing Board and with the concurrence of the Commissioner for War Veterans.

An Administrative and Accounting Assistant is appointed by a decree of the Commissioner for War Veterans, in accordance with the recommendation made by the Institute Director, in order to take charge of administrative and accounting affairs of the Institute.

Article 7. The Institute Director is in charge of:

- the drawing up of the statutes of the Institute for submittal to the Governing Board.
- the administration and management of all facilities, properties and activities of the Institute under the technical, administration and financial aspect, in accordance with the decisions by, and under the supervision of, the Governing Board.
- the representation of the Institute before a law-court, and the relationship with banks, government agencies, private agencies, and third persons.
- the reporting to the Governing Board on difficulties and obstacles, in order for the Board to study these cases and give assistances as required.
- the setting up of annual autonomous budget of the Institute in accordance with the proposal submitted by dependent agencies.
- the appointment of operating personnel.
- the submittal of recommendations to the Governing Board, regarding the recruitment of personnel of categories A and B.
- the taking of decisions concerning the recruitment of personnel of categories C and D.
- the nomination of the Administrative and Accounting Assistant.

CHAPTER IV

Finance, Accounting, Personnel

Article 8. The resources of the National Institute of Rehabilitation consist of:

- Real estates, chattels, equipment, supplies and funds turned over by the Center of Orthopedy and Professional Orientation;
- Subsidies, advanced funds or loans from the National Budget or private individuals, agencies, groups and philanthropic organizations;
- Aid, advanced funds or loans from the Foreign Aid Budget or international agencies;
- Donations and legacies;
- The Institute's own income.

Article 9. The current system of governmental accounting is applied at the National Institute of Rehabilitation. However, after the closing of the financial year, the residual balance of the autonomous budget - if any - will be paid in the Institute's reserve fund deposited at the National Treasury under a non-interest account.

If the subsequent financial year budget shows a deficit, the Institute Governing Board will, at the request of the Institute Director, report to the Chairman of the Central Executive Committee to take out some money from the reserve fund to make up the deficit.

Article 10. The Director of the National Institute of Rehabilitation is the Autonomous Budget's Authorizing Officer for both payment and receipt. A non-interest account of the National Institute of Rehabilitation is opened at the National Treasury for collection of receipts and payment of expenditures contemplated in the budget. The Assistant in charge of administration and accounting will be the Manager of this account.

Every expenditure is paid by a cheque issued by the Manager of the Account, and visaed and signed by the Institute Director.

Article 11. By the 10th of each month, the Institute will send to the Directorate General of Budget and Foreign Aid the Monthly Statement of Payments and Receipts of the Autonomous Budget.



Article 12.- An auditor designated by the Chairman of the Central Executive Committee in compliance with the recommendation by the Director General of Budget and Foreign Aid, will control all account books and proofs of the Institute at least twice a year.

On the other hand the auditor may check the Institute's records relating to financial activities, at any time when necessary.

Article 13.- The National Institute of Rehabilitation's staff consist of regular and non-regular military and civil personnel detailed from various governmental agencies, and employees recruited by the Institute.

The detailed personnel are always placed under the control of either the military regulations system or the government employees' administrative system, but their salaries and allowances are paid by the Institute autonomous budget.

The employees recruited by the Institute will be placed under the Institute's own statute.

#### CHAPTER V

##### Transitional Clauses

Article 14.- The National Institute of Rehabilitation's Governing Board will meet 15 days after the issuance of the present Decree at the latest, for nomination of the Institute Director and reporting to the Chairman of the Central Executive Committee for appointment of the Institute Director.

Article 15.- The National Center of Orthopedy and Professional Orientation (under the Ministry of National Defense) is turned over to the National Institute of Rehabilitation together with its budget, military and civil personnel, real estates, equipment, supplies, files and records.

Article 16.- The internal organization of the National Institute of Rehabilitation will be determined by a decree from the Ministry of War Veterans, in compliance with the recommendation by the Governing Board of the National Institute of Rehabilitation.

Article 17.- The related Commissioners General and Commissioners are charged, each one as he may be concerned, with carrying out the present decree.

This decree is published in the Official Gazette of the Republic of Vietnam.

Saigon February 5, 1966  
(S) Vice Air-Marshal Nguyen Cao Ky

Distribution:

- .....  
- Ministry of National Defense

Certified Copy:  
For the Director of Cabinet  
Deputy Director of Cabinet  
(S) Dao Xuan Dung

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Very Urgent

Republic of Vietnam  
Ministry of National Defense  
No. 1431-QP/HC/HGPC/1

Copies to:

- General Staff of the Armed Forces  
of the Republic of Vietnam

- Chief of Joint General Staff's Office (1 copy)

- General Administration Office (30 copies)

- Directorate General of Finance and  
Inspectorate for National Defense

- Directorate of Mobilization

- Directorate of Military Justice

- Directorate of War Veterans and Invalids

- Directorate of the Wards of the Nation

- Secretariate/Ministry of National Defense  
(Bureaus-Sections)

"for wide distribution"

Saigon Feb. 15, 1966  
By order of Lt. Col.  
Nguyen Dinh Vinh, Acting  
Director of Cabinet  
Administrative Assistant  
(S) Tran Huu Due

Certified Copy:

Saigon, February ..... 1966  
Col. Le Van Thong, M.D.  
Director of the Center of Orthopedy and  
Professional Orientation

LAND REFORM --- A review of the situation which points up the major problems and inequities and what is being done about them.

"Land for the tiller" has been the cry of the land reform enthusiast for decades. However, expropriation alone has not historically been a sound or lasting answer to the problems of land tenure security. Land reform, to be just and lasting, must be accompanied by the building of needed new rural institutions and the strengthening of existing services.

The basic legislation for redistribution of land was written in 1956. This limited riceland holdings to 100 hectares per landlord, plus 15 hectares for ancestor worship, and it made provisions for payments to landlords expropriated under these laws. Approximately 772,000 acres of cultivatable land were purchased under Ordinance 57, and 615,000 acres of this have been redistributed. Much of the rest lies in insecure territory.

The second major land acquisition-redistribution program has involved ricelands formerly owned by French nationals. The French Government paid these owners for their lands in Francs and the GVN has distributed about 9,200 acres of approximately 250,000 cultivatable acres. Most of the ricelands in South Vietnam are still cultivated by tenant farmers or hired labor. These methods of production take many forms, however. In the south, landlords tend to own larger tracts than in the central region where an absentee landlord may own less than a hectare of paddy.

The land tenure situation is not uniform throughout the country and writing legislative improvements for it is a complicated undertaking. The following table gives the percentage of operators by tenure:

<u>Tenure</u>	<u>Southern Provinces</u>	<u>Central Lowland Provinces</u>
Owner-operators only	23	29
Operator with only rented land	47	11
Operators with both owned and rented land	30	60
	100%	100%

Laws limiting land rents to 25 percent of the crop have been in force in the country since 1955; also, restraints have been imposed upon landlords concerning collection of back rents from former Viet Cong territory. The same instruction expressly forbids use of military forces by landlords in the collection of rents. Landlords are likewise excused from GVN taxation during periods of VC control.

Besides the immediate political benefits from redistribution and rent control, these programs aim at economic objectives; by giving the farmer a firm and permanent title to his land, we hope to induce him to make the investments of capital and labor necessary to raise his surplus production above a marginal level. One program to strengthen land tenure rights is now being tested in the An Giang Priority Area. In this, aerial photographs are being made of the entire province and land descriptions determined from them. The great advantages offered by the advanced cadastral techniques are speed, accuracy and safety (a limited amount of work need be done on the ground). The title produced by this process contains a description of the land, its area, a photograph of the parcel, and other pertinent information. The titles will be easily reproducible so copies may be given to the owners as well as filed centrally.

Another major effort to strengthen land tenure is being run as a priority program by the Directorate of Land Affairs in Saigon. It consists of a drive to replace all temporary land ownership certificates (issued until 1965) with permanent ones, and issuance of new ownership titles will also be on a definitive basis. These titles cover former French land, Ordinance 57 land, squatted lands and land development center lands; over 100,000 such permanent titles have been produced since the beginning of 1967. In cases where full payment for the lands has not been received by the GVN, the title is issued regardless; the owner remains liable for the unpaid balance.

The major problems and inequities still existing regarding land tenure in the rural areas are: (1) violation of tenant-landlord contracts and terms of tenure relationships; (2) biased and inadequate village administrative authority to cope with disputes, conflicts and enforcement of regulations; (3) a disproportionately high landlord influence in village affairs and decisions; and (4) Viet Cong land redistribution and taxation in insecure areas. Primary attention in development of land tenure policy must be directed at rectifying these inequities.

CANDID COMMENT . . . . .

A former district chief and district judge who was educated for his role in government under the old mandarin system replies to the author of "Vietnamese and American Values and Preferences in Administration" which was published in Public Administration Bulletin No. 37, May 1, 1967.

\* \* \*

First of all, I must pay a tribute to the American writer of the article "Vietnamese and American Values and Preferences in Administration". It constitutes a very useful guide, for Americans and Vietnamese as well, because while most of the Vietnamese are busy making more and more money, there is an American who spends useful moments studying cultural and historical aspects of Vietnamese life, and knows much more about Confucian philosophy and morale than does the average Vietnamese.

Of course, it is true that the Vietnamese administrative system evolved from the old Chinese Empire in that Viet-Nam was under Chinese rule for well over one thousand years... But it must be emphasized that today, it is an undeniable fact that Chinese culture in Viet-Nam belongs to the past. During some eighty years of French domination (1862-1945), - four generations -, the French swept out all remnants of the Chinese administrative system and entirely replaced it by their own system, in this Indo-China which they always called "France of Asia". In this respect, it should be noted that the current classification of Vietnamese executives in the Cadre of Line Administrators is an imported feature from France rather than from China.

The Central Viet-Nam (formerly called An-Nam by the Chinese and the French) was the only region in which the Imperial administrative system of Viet-Nam was allowed to remain by the French Protectorate. Even in this third portion of the country, under the necessities of the time, many changes have incurred on the recommendations of the French advisors, the foremost of which were:

1916 - Suppression of the examinations in the Chinese ideological characters to confer the Bachelor's, Master's and Doctor's degrees, as requirements for entrance eligibility into the Imperial Civil Service or Mandarinate.

1933 - Reform of the Mandarinate by Bao-Dai: Replacement, in official correspondence, of the Chinese characters by the Vietnamese language in roman letters; and forbidding of prostrations before the Emperor and the mandarins.

These two dates probably tolled the knell of Confucianism in this country. The Vietnamese who had studied Chinese characters before 1916 began studying the French language for their rice bowl, and in 1933, as shown above, in the confined Empire of An-Nam, there was not enough men mastering the Chinese characters to do official jobs. Progressively, the French system of academic degrees (Baccalaureate, Licentiate, and Doctorate) replaced its equivalent in Chinese.

Later on, after 1954, the re-establishment, always in Central Viet Nam, of a Department of Chinese characters at the University of Hue led to so many desertions by the students involved because of difficulties in the studies themselves as well as in the appointment in the Vietnamese Civil Service that this department was finally closed permanently. And today, the Chinese characters are only learned by the Buddhist bonzes in their pagodas. At the Department of Buddhism and Orient Studies of the Van Hanh University, in Saigon, the courses are also taught in Vietnamese.

In short, since 1916, very few Vietnamese have been able to read Confucius out of his writings in the Chinese characters, especially his doctrines and ethics as found in "The Middle Way"; the oldest continue to practice Confucian moral teachings and rites, as taught by their parents or learned by themselves; but after 1933, Confucius has definitely left Viet Nam, and the new generation of Vietnamese only know this foreign philosopher through some French books; the Chinese characters became useless, and in the entire territory of French Indo-China; knowledge of the French language led to the highest positions in the government as well as in the private sector.

I myself was a mandarin from 1933 to 1945, i.e. a district chief and concurrently a district judge. It was then necessary for me to learn approximately one thousand Chinese characters, which allowed me to read the old contracts and to write some notes in Chinese on the requests submitted by the peasants. And now, after twenty-two years sans practice, only a handful of these figures remain in my mind, and I am not able to write even a short letter.

My entrance examination in the Mandarinate consisted of three written essays on history, administration and law, all of which were in the French language. I passed only because I had mastered the French language, and was well aware of the French colonial policy justified by this averment: "The total earth for the total humanity".

After 1945, the French language remained the first foreign language because many parents taught it to their children, and English teachers were virtually non-existent. And the young Vietnamese eventually expressed more interest in Descartes and Spinoza than in Confucius.

Finally, with the military defeat of the French Forces at Dien Bien Phu in 1954, and especially after the U.S. commitment to Viet Nam, English became the first foreign language in this country, and teachers and proponents of that language now abound.

In the field of techniques, after the Geneva agreements of 1954, those who left the country were not considered genuinely Vietnamese, because they had acquired French citizenship before that date and had refused to regain Vietnamese citizenship, and we never regret the loss of the skills of such traitors.

Do you believe that in this year of 1967, we, the Vietnamese people, keep our old traditions of the Chinese and French colonial times ? - No, that all belongs to history, As you will recall, Confucius, said: "Among the three failures to devotion to the parents, the greatest one is the lack of male descendant. "Nowadays, at least fifty per cent of young Vietnamese boys do not marry, among them two of my own sons. The reason is that we forget very easily foreign traditions and foreign practices: we are neither Chinese nor French, we are Vietnamese and we must live in the twentieth century.

On the other hand, I do not believe that Buddhism means inactivity, as was demonstrated by last year's turmoils in Saigon, in Hue and in many other cities of Vietnam.

The upheaval of the Armed Forces is a pertinent fact in many under-developed countries of Asia, Africa and Latin America. But, if the soldier was not listed in the

Confucian scale of four values, that was due to the fact that everybody was drafted, except the Mandarins, the Village Officials, the Holders of University Degrees and National Rewards and the disabled. After World War II, the military are greatly respected because they have fought for the liberation of the country, and many of them are graduates from European and American institutions.

As for the demonstrations and demands for return to a "civilian" government, they are not a consequence of the Confucian teachings, but perhaps a misunderstanding of the basic requisites of Democracy in practice, as expressed by the Americans. In any society, there are always a small fraction of active people, and a large fraction of amorphous people. The rioters belong to the first group, while the government employees of low grade who remain silent in the "seminars" may belong to the second one. It is too complicated to find out a reason for such laziness in the Vietnamese traditions.

On the contrary, in the seminars conducted by Confucius in person, the philosopher always recommended discussions: and his disciples asked him many questions without "breaking the rules of harmony between individuals or embarrassing the elder..." From himself this quotation: Tri chi vi tri chi, bat tri vi bat tri, vi tri gia (When you know a thing, to hold that you know it; and when you do not know a thing, to allow that you do not know it; this is knowledge). What does he mean, if not that one has not to be ashamed if he knows his ignorance.

Under the mandarin system, the name of the position of district chief was also Tri-huyen (the official who knows the district). After World War II, this name was changed into Quan-Truong (district chief), showing once more that the Vietnamese of the second half of the Twentieth Century are far from paying the same respect to knowledge as did their ancestors trained at Confucian schools.

In the field of social relations, I do not know if Confucius recommended respect to the sly man (?). But in practice, this kind of man is rather feared than respected. To testify this truth, there is a Vietnamese saying: Nhut la so ke anh hung, Nhi la so ke so cung lieu thay.



Which can be translated:

To be feared are: First the heroes, second the poor without resources who risk their living corpses.

I hope that the above comments and remarks have cleared the ground for some negative aspects of the essay.

Addresses of Government Agencies and

Committees

- |                                                       |                                            |
|-------------------------------------------------------|--------------------------------------------|
| - NATIONAL LEADERSHIP COMMITTEE                       | Independence Palace                        |
| - Central Executive Committee                         | Independence Palace                        |
| - Congress of the Armed Forces                        | General Staff Headquarters<br>Tan Son Nhut |
| - National Assembly                                   | Lam Son Plaza                              |
| - Civilian/Military Council                           | Dien Hong Palace<br>Chuong Duong Quay      |
| - Central Committee for<br>Administrative Improvement | N.I.A. - 10 Tran Quoc Toan<br>ChoLon       |

Agencies

Addresses

- |                                                            |                      |
|------------------------------------------------------------|----------------------|
| - Special Commission for<br>Montagnard Affairs             | 110 Nguyen Du        |
| - National Institute of<br>Administration                  | 10 Tran Quoc Toan    |
| - Directorate General of Budget<br>and Foreign Aid         | 142 Hong Thap Tu     |
| - Directorate General of Port<br>Authority                 | 1 Ham Nghi           |
| - Secretariate General of<br>Civil Service Supreme Council | 283 Tu Do            |
| - Special Commission for Anti-<br>Communist Refugees       | 1 Dinh Tien Hoang    |
| - Office of Superintendent<br>General                      | 27 Nguyen Trung Truc |

- Commission General for National Security 2 Nguyen Hau
- Commission General for Cultural and Social Affairs 7 Thong Nhut
- Commission General for Information and Open Arms 79-81 Phan Dinh Phung
- Commission General for Defense 63 Gia Long
- Commission General for Revolutionary Development 11-C Cong Truong Lam Son
- Commission General for Development and Planning 45-46 Ben Chuong Duong
- Commission General for Justice 47 Thong Nhut
- Commission General for Economy and Finance 59 Gia Long
- Commission General for Foreign Affairs 6 Alexandre de Rhodes
  
- Commission for Cultural Affairs 7 Thong Nhut
- Commission for Social Welfare 61 Nguyen Du
- Commission for Education 70 Le Thanh Ton
- Commission for Health 59 Hong Thap Tu
- Commission for Veterans 127 Doan Thi Diem
- Special Commission for Administration 164 Tu Do
- Commission for Public Works 94 Cong Ly

- Commission for Youth	272 Hien Vuong
- Commission for Agriculture	58 Nguyen Binh Khiem
- Commission for Communication and Transport	2 Dien Hong
- Commission for Finance	138 Hong Thap Tu
- Commission for Labor	459 Tran Hung Dao
- Commission for Commerce	59 Gia Long
- Commission for Handicraft and Industry	59 Gia Long

REPUBLIC OF VIETNAM  
CENTRAL EXECUTIVE COMMITTEE

12 April 1967

Decree No. 815/ND/XD

Chairman of the Central Executive Committee,

Ref: The Constitution of 1 April 1967; Decision No. 3-QLVNCH/QD, supplemented by Decree No. 7/QLVNCH, 6 June 1966, from the Congress of the Armed Forces, establishing the National Leadership Committee and determining the composition of this Committee; Decree No. 1-a/CT/LDQG/SL, 19 June 1965, and other supplementary documents establishing the composition of the Central Executive Committee; Order No. 29, June 29, 1953, establishing the drafting regulations; Decree No. 177/QP, 22 July 1961, dictating mobilization of young men with Baccalaureat I and higher degrees for Reserve Officer military training courses; Decree No. 1219/QP, 11 December 1961, dictating draft of male citizens between 20 and 30 years of age; Decree No. 187/QP, 6 May 1964, determining the period for the military obligation; Decree No. 1071/QP, 4 June 1964, ordering Reserve Officers and NCOs to remain in military ranks; Decree No. 137/ND/XDNT, 26 January 1966, establishing the special statute for RD Cadres; Recommendations from the RD General Ministry and the General Ministry of Defense.

DECREES:

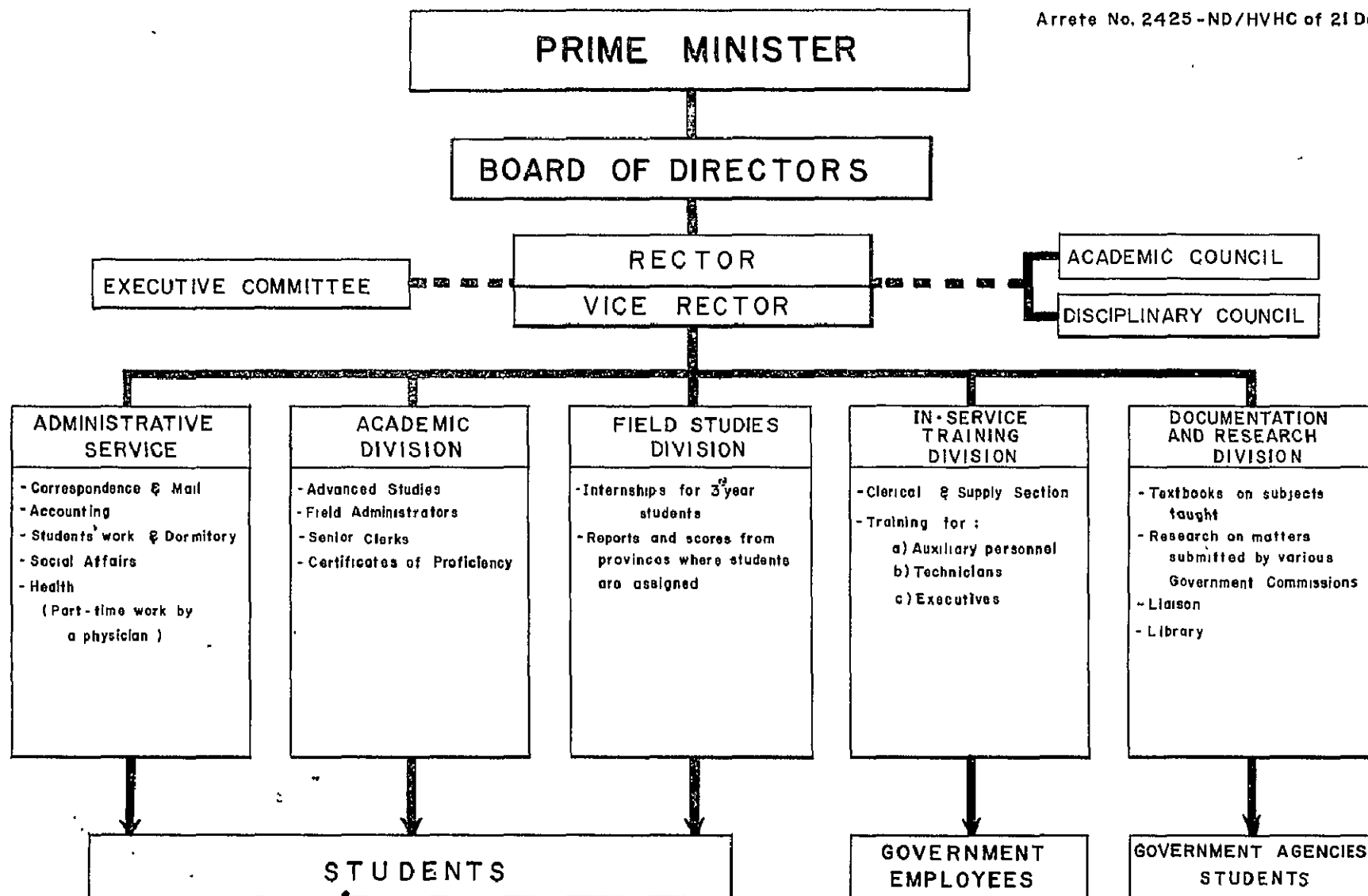
1. This decree is to supplement Decree No. 137/ND/XDNT, 26 January 1966, amending the period of military obligation of RD Cadres.
2. RD Cadres who have served in the field continuously for six years are granted definitive exemption from their military obligation. The six year continuous period is made retroactive from 1 January 1966.

3. Applicants in age groups reserved for military service, if recruited, and, if removed or resigning within this six-year period, must be drafted to complete their military obligation throughout the draft age limit at the time of their removal or resignation.
4. An inter-ministerial Directive which determines the age limit of applicants for RD Cadres, establishes procedures for administration of RD Cadres, and dictates how to execute this decree, will be issued by the RD General Ministry and the Ministry of Defense.
5. Commissioners General and Commissioners are responsible for the execution of this decree. This decree will be published in the GVN Official Gazette.

Air Vice Marshal Nguyen Cao Ky  
Chairman, Central Executive Committee

# NATIONAL INSTITUTE OF ADMINISTRATION

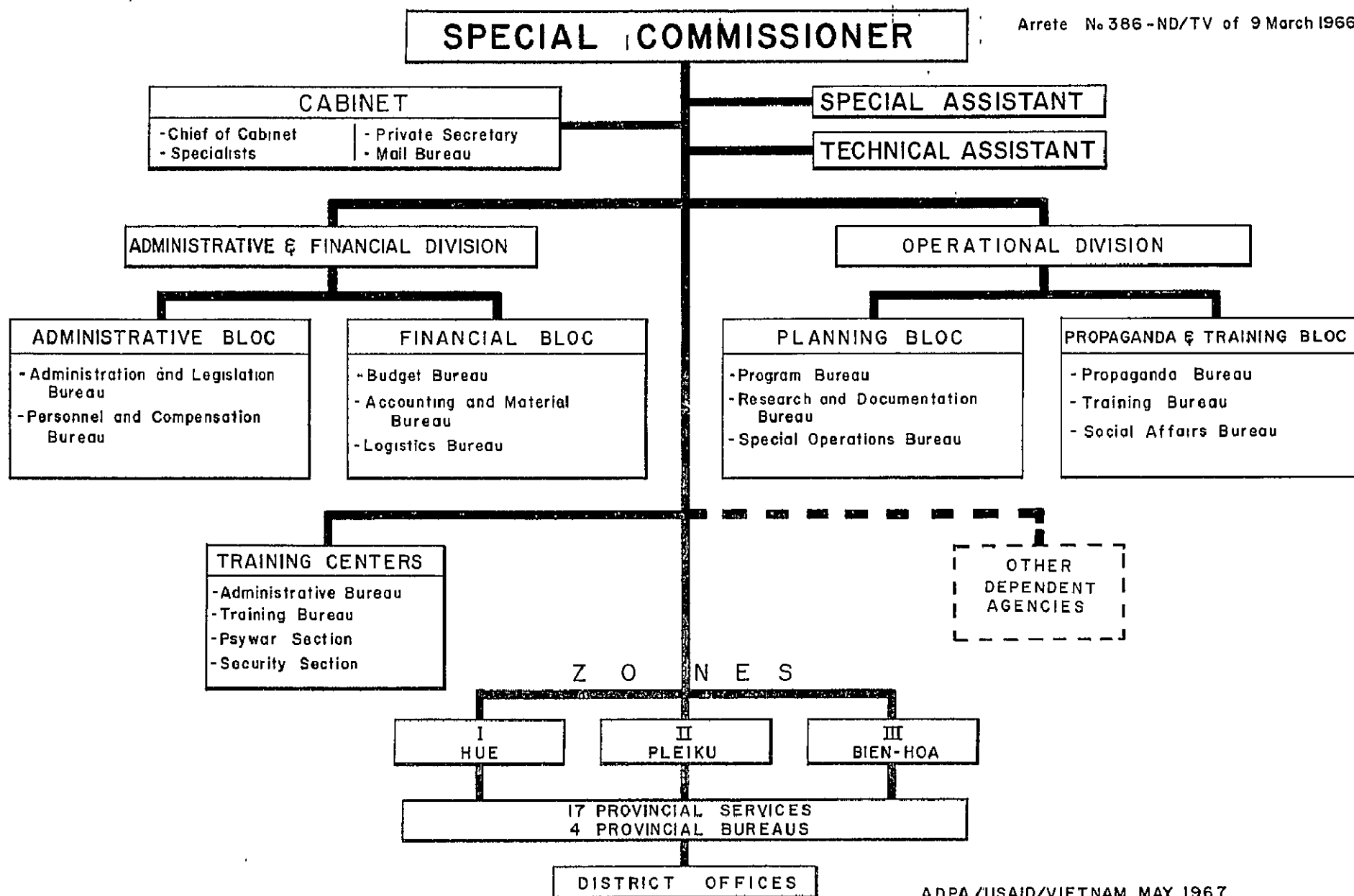
Arrete No. 2425 -ND/HVHC of 21 Dec.1966



ADPA/US AID/VIETNAM MAY 1967

# SPECIAL COMMISSION FOR MONTAGNARD AFFAIRS

Arrete No 386 -ND/TV of 9 March 1966





# DIRECTORATE GENERAL FOR PORT AUTHORITY

## DIRECTOR GENERAL

Decree No.23-SL/HP/VP of 22 Feb.1966

### TECHNICAL ASSISTANT

- Technical Bureau

### ADMINISTRATIVE ASSISTANT

#### Secretariat

- Administrative and Personnel Bureau  
- Budget and Accounting Bureau

## DIRECTORATES

### SAIGON PORT (Autonomous)

### NAVIGATION

- Technical Office  
- Administrative Office  
- Accounting Office

### DA-NANG PORT (Autonomous)

## DIVISIONS

## DIVISIONS

### OPERATIONS

- Investigation  
- Cashier  
- Equipment  
- Saigon Office  
- Cholon Office  
- Thu-Duc Office

### ADMINISTRATION & ACCOUNTING

- Administration  
- Personnel  
- Central Accounting  
- Purchasing  
- Medical care

### DEVELOPMENT

- Port Office  
- Saigon Office  
- Khanh-Hoi Sub-Office  
- Cholon Office

### OPERATIONS

- Administration  
- Operations  
- Equipment  
- Surveys

### ADMINISTRATION & ACCOUNTING

- Administration and Personnel  
- Budget and Finance  
- Accounting and Material

### DEVELOPMENT

- Administration & Customs  
- Liaison  
- Port Activities  
- Port Police  
- Warehouse  
- Clearance  
- Labor

## SERVICES

### INLAND WATERWAYS

- Administration  
- Dredging Equipment  
- Flotilla  
- Hydrographic Survey  
- Navigational Operations  
- River-boat Control  
- Techniques  
- Dredging (Dredges Bac-Lieu, Can-Tha, Dong-Thap, Hoa-Lan, Kien-Giang, Lor-Nang, Rach-Gia, Soc-Trang)

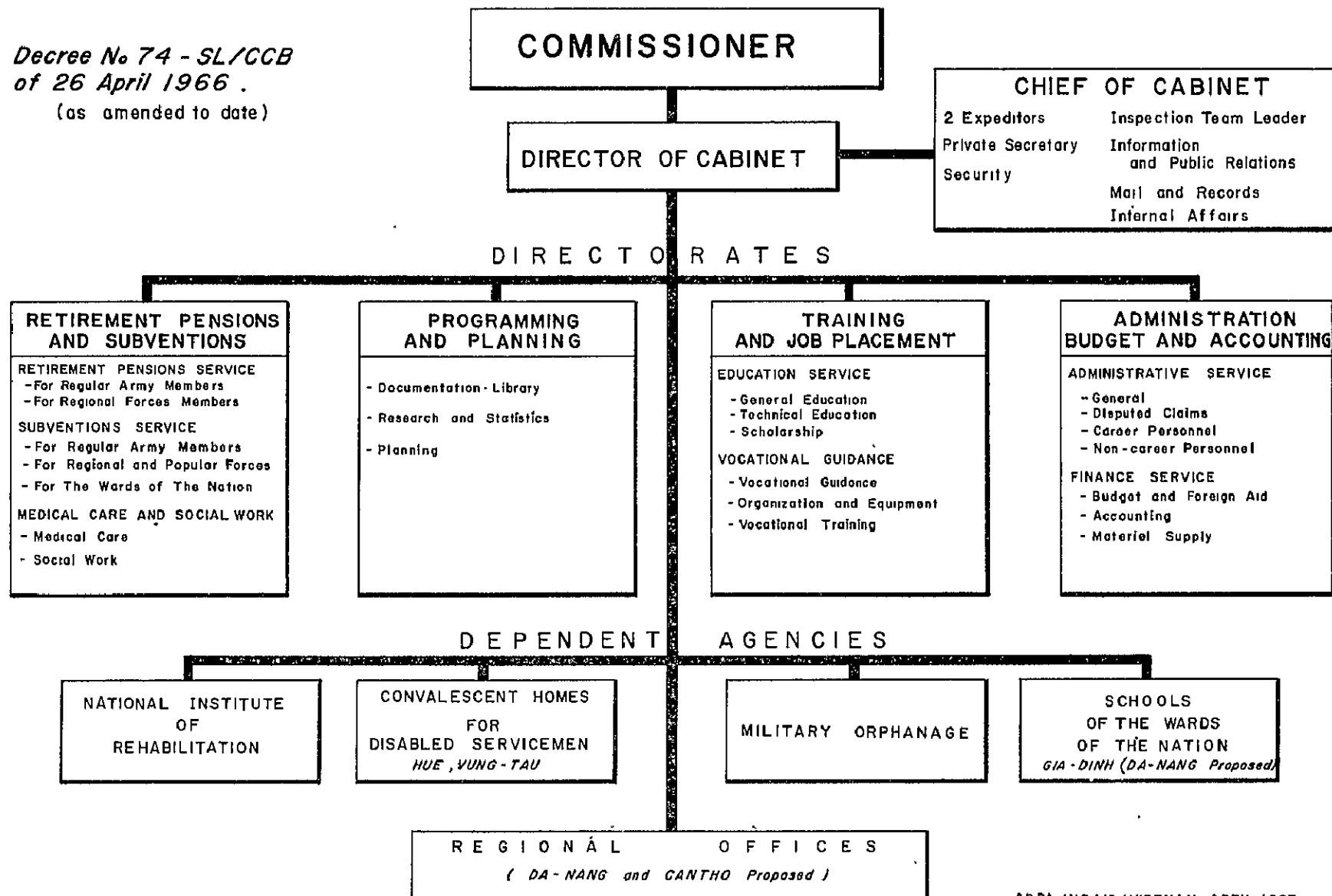
### MARITIME & MERCHANT MARINE

- Administration  
- Legal  
- Lighthouse  
- Maritime Navigation and Sea Equipment  
- Maritime Subdivisions Nha-Trang, Cau-Da, Ba-Ngai, Qui-Nhon, Da-Nang, Kien-Giang  
- Sailor Management  
- Shipwreck Salvaging

# COMMISSION FOR WAR VETERANS

*Decree No 74 - SL/CCB  
of 26 April 1966 .*

*(as amended to date)*



# COMMISSION FOR HANDICRAFT & INDUSTRY

## COMMISSIONER

Decree No 70-SL/CKN of 30 March 1967

### DIRECTOR OF CABINET

- Chief of Cabinet
- Private Secretary
- Press Secretary
- 4 Expeditors
- 1 Generalist
- Team of Specialists (6)
- Team of Industrial Inspectors (4)

### SECRETARY GENERAL

Director of Administration & Legislation

- Personnel
- Accounting & Material
- Legislation

### INDUSTRIAL SUPPLIES DIRECTORATE

- Mail
- Agricultural, Forestry  
Products and Foods
- Weaving and Clothing
- Mechanisms and Metals
- Chemical Products
- Electrical and Electronic  
Appliances

### TECHNICAL DIRECTORATE

- Mail
- Industrial Investment
- Industrial Studies  
and Statistics

### MINING DIRECTORATE

- Mining Techniques
- Geology and  
Mineral Inspection
- Experimentation

### INSTITUTE OF STANDARDS

- Establishment  
Diffusion and  
Application of Industrial  
Standards
- Studies
- Quality Control

### NATIONAL ENTERPRISES COMMITTEE Permanent Secretariat

#### National Enterprises

- Industrial Plants An-Hoa,  
Bien-Hoa, Nong-Son,  
Thu-Duc
- Sugar Company, Binh-Quong,  
Quang-Ngai, Viet Nam
- Government Operated,  
Nong-Son Coal Mines  
Tan-Mai Woodmill
- Ha-Tien Cement Plant
- Long-Tho Hydraulic  
Lime Plant

#### Mixed Enterprises

- Dong-Nai Paper and  
Chemical Products Co
- Viet Nam Paper Co.
- Viet Nam Cotton Industry Co
- Viet Nam Glass Co
- Viet Nam Oil Refinery Co.
- Vinh-Hao Mineral Water Co

### INVESTMENT INTERMINISTERIAL COMMITTEE

- Investment Projects
- Investment Procedures
- Reports
- Studies

DEPENDENT

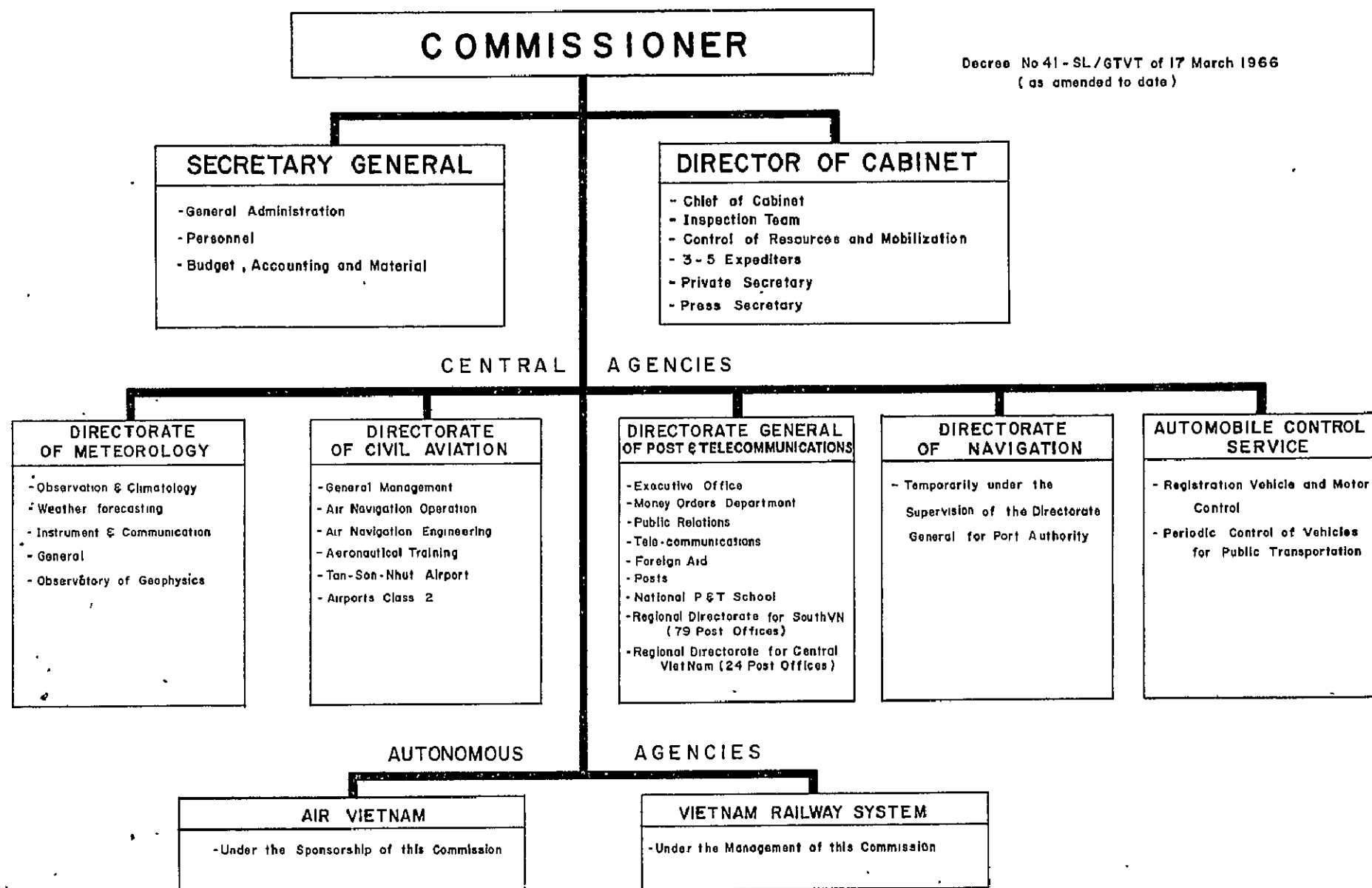
AGENCIES

INDUSTRIAL DEVELOPMENT  
CENTER

HANDICRAFT DEVELOPMENT  
CENTER

ADPA/USAID/VIETNAM MAY 1967

# COMMISSION FOR COMMUNICATION & TRANSPORTATION



**Art. 111 VIETNAM CONSTITUTION**



The Office of Public Administration (ADPA) of USAID/Saigon,  
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